Pages 1863–1901

# FEDERAL REGISTER

VOLUME 25 NUMBER 43

Washington, Thursday, March 3, 1960

# Contents

# Codification Guide

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

**3 CFR**
EXECUTIVE ORDERS:
June 8, 1901 (revoked in part by PLO 2059) ..... 1867

**6 CFR**
485 (3 documents) ..... 1867, 1868

**7 CFR**
PROPOSED RULES:
904 ..... 1879
990 ..... 1879
996 ..... 1879
999 ..... 1879
1019 ..... 1879

**9 CFR**
73 ..... 1873

**14 CFR**
302 ..... 1868
608 ..... 1868
609 ..... 1868
PROPOSED RULES:
507 ..... 1883
514 ..... 1884

**16 CFR**
13 (4 documents) ..... 1873, 1875

**17 CFR**
270 ..... 1865

**21 CFR**
PROPOSED RULES:
121 ..... 1884

**30 CFR**
PROPOSED RULES:
25 ..... 1877

**43 CFR**
PROPOSED RULES:
192 ..... 1877
PUBLIC LAND ORDERS:
808 (see F.R. Doc. 60-1926) ..... 1885
1312 (revoked in part by PLO 2059) ..... 1867
2058 ..... 1867
2059 ..... 1867

*Announcement*

**CFR SUPPLEMENTS**
**(As of January 1, 1960)**

The following Supplements are now available:

Title 7, Parts 1–50 ..... $0.45
Title 26, Parts 170–221 ..... 2.25

Previously announced: Title 3 ($0.60); Titles 4–5 ($1.00); Title 7, Parts 51–52 ($0.45); Parts 53–209 ($0.40); Title 8 ($0.40); Title 32, Parts 700-799 ($1.00); Title 36, Revised ($3.00); Title 46, Parts 146–149, Revised ($6.00)

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# Rules and Regulations

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

### PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

### Revised Proxy Rules for Investment Companies

The Securities and Exchange Commission announced today that it has adopted certain additional rules relating to the solicitation of proxies, consents or authorizations with respect to investment companies registered under the Investment Company Act of 1940. Notice of the proposed action was published January 7, 1960.

The new requirements are set forth in an amended Rule 20a–1 (§ 270.20a–1) and two new Rules, 20a–2 (§ 270.20a–2) and 20a–3 (§ 270.20a–3). Heretofore the only rule under the Investment Company Act relating to the solicitation of proxies was Rule 20a–1 (§ 270.20a–1) which made applicable to such solicitation the Commission's proxy rules adopted under section 14(a) of the Securities Exchange Act of 1934.

A number of comments and suggestions were submitted in writing and conferences were held by the staff with attorneys and industry representatives in regard to the matter. Following publication of the proposed action, the S.E.C. Rules Committee of the National Association of Investment Companies met with the staff in several conferences in reaching solutions of problems involving substance and drafting.

The amended Rule 20a–1 (§ 270.20a–1) provides among other things that where a solicitation is made by or on behalf of the management of an investment company, the investment adviser or any prospective investment adviser and its affiliated persons must furnish the investment company the necessary information to enable it to comply with the applicable requirements. Where a solicitation is made on behalf of an investment adviser or prospective investment adviser with its consent, by some person other than the management of the investment company, then the investment adviser or prospective investment adviser and its affiliated persons must furnish to the person making the solicitation the information necessary to enable such person to comply with the applicable requirements.

The new rule 20a–2 (§ 270.20a–2) requires that a proxy statement relating to a registered investment company must contain certain information in addition to that required by the proxy rules under the Securities Exchange Act of 1934. Where the solicitation relates to the election of directors of the investment company, information is required in regard to matters such as the investment advisory contract, ownership and control of the investment adviser, interests of the management of the investment company in the investment adviser or persons in a control relationship with it and transactions by certain persons in securities of the investment adviser or its parents. Except where the investment adviser is a bank, a balance sheet of the investment adviser must also be included, unless the Commission, for good cause shown, permits the omission of such balance sheet. Certain information is also required with respect to interests and relationships between the investment company or the investment adviser and the underwriter of the investment company's securities. Where action is to be taken with respect to an investment advisory contract, information must also be included with respect to such contract and with respect to certain collateral arrangements or understandings made in connection therewith.

The new Rule 20a–3 (§ 270.20a–3) calls for the disclosure in a proxy statement relating to an investment company of information with respect to the material interests of officers, directors and nominees for election as a director of the investment company in material transactions or material proposed transactions to which the investment adviser or any of its parents or subsidiaries was or is to be a party. However, instructions to this requirement permit the omission of information in regard to interests of security holders as such and affiliated persons of the investment adviser in transactions which are not related to the business or operations of the investment company and to which neither the investment company nor any of its parents or subsidiaries is a party. The instructions further provide that the proportionate interest of a partner in transactions with the partnership need not be disclosed.

In the draft of the proposed rules published for comment, provisions were included which would have required with respect to the management and affiliated persons of an investment adviser information as to remuneration and related matters similar to that now required with respect to an investment company by Item 7 of the proxy rules under the Securities Exchange Act of 1934. Rule 20a–3 (§ 270.20a–3) as adopted requires additional information only as to certain transactions in which certain persons associated with the investment company or with the investment adviser or its parents or subsidiaries have an interest. The Commission deferred action on the adoption of additional provisions comparable to those now contained in Item 7 pending futher study.

The text of amended Rule 20a–1 and new Rules 20a–2 and 20a–3 follows:

**§ 270.20a–1 Solicitation of proxies, consents and authorizations.**

(a) No person shall solicit or permit the use of his name to solicit any proxy, consent or authorization in respect of any security of which a registered investment company is the issuer, except upon compliance with §§ 270.20a–2 and 270.20a–3 and all rules and regulations adopted pursuant to section 14(a) of the Securities Exchange Act of 1934 that would be applicable to such solicitation if it were made in respect of a security registered on a national securities exchange. Unless the solicitation is made in respect of a security registered on a national securities exchange, none of the soliciting material need be filed with such exchange.

(b) If the solicitation is made by or on behalf of the management of the investment company, then the investment adviser or any prospective investment adviser and any affiliated person thereof as to whom information is required in the solicitation shall upon request of the investment company promptly transmit to the investment company all information necessary to enable the management of such company to comply with the rules and regulations applicable to such solicitation. If the solicitation is made by any person other than the management of the investment company, on behalf of and with the consent of the investment adviser or prospective investment adviser, then the investment adviser or prospective investment adviser and any affiliated person thereof as to whom information is required in the solicitation shall upon request of the person making the solicitation promptly transmit to such person all information necessary to enable such person to comply with the rules and regulations applicable to the solicitation.

**§ 270.20a–2 Information pertaining to investment adviser and investment advisory contract.**

(a) If action is to be taken with respect to the election of directors of the investment company and the solicitation is made by or on behalf of the management of the investment company or by or on behalf of an investment adviser, the following information shall also be included in the proxy statement.

*Instruction.* Information with respect to a prospective investment adviser shall be furnished to the extent applicable.

(1) State the name and address of the investment adviser, the date of the existing investment advisory contract, the date on which it was last submitted to a vote of security holders of the investment company and the purpose of such submission. Briefly describe the terms of the contract, including the rate of compensation of the investment adviser. State the aggregate amount of the investment adviser's fee and the amount and purpose of any other material payments by the investment company to

the investment adviser during the last fiscal year of the investment company. If any person is acting as an investment adviser of the investment company otherwise than pursuant to a written contract which has been approved by the security holders of such company, identify such person and describe the nature of the services and arrangements therefor.

(2) State the name, address and principal occupation of the principal executive officer and each director or general partner of the investment adviser.

(3) State the names and addresses of all parents of the investment adviser and show the basis of control of the investment adviser and each parent by its immediate parent.

*Instructions.* 1. If any person named is a corporation, include the percentage of its voting securities owned by its immediate parent.

2. If any person named is a partnership, the general partners having the three largest partnership interests (computed by whatever method is appropriate in the particular case) shall be named.

(4) If the investment adviser is a corporation and if, to the knowledge of the persons making the solicitation or the persons on whose behalf the solicitation is made, any person not named in answer to subparagraph (3) of this paragraph owns of record or beneficially 10 per cent or more of the outstanding voting securities of the investment adviser, indicate that fact and state the name and address of each such person.

(5) Name each officer, director or nominee for election as a director of the investment company who is an officer, employee, director or general partner of the investment adviser. As to any officer, director or nominee for election as a director of the investment company who is not a director or general partner of the investment adviser and who owns any securities of or has any other material direct or indirect interest in the investment adviser or any person controlling, controlled by or under common control with the investment adviser, state the nature of such interest.

(6) Describe any action with respect to the investment advisory contract which has been taken since the beginning of the last fiscal year by the board of directors of the investment company, unless such action was described in the proxy statement for the last annual meeting for the election of directors. Identify any director of the investment company who, at the time of the action described, owned any securities of, or had any other material direct or indirect interest in, the investment adviser or any person controlling, controlled by or under common control with the investment adviser, and state the nature of such interest.

(7) Name each person employed as a broker by or on behalf of the investment company in which the investment adviser, any officer, director or general partner, any person controlling, controlled by or under common control with the investment adviser, or any officer, director or nominee for election as a director of the investment company has any material direct or indirect interest. State the nature of such interest and amount of brokerage fees received by or participated in by each such broker from business originating with the investment company during its last fiscal year.

(8) If any officer, director or any nominee for election as a director of the investment company, any investment adviser, or any person named in response to subparagraph (2) or (3) of this paragraph purchased or sold any securities of the investment adviser or any of its parents, subsequent to the beginning of the last fiscal year of the investment company or is a party to any contract for the purchase or sale of any such securities, describe the transaction, identify the parties, state the consideration, the terms of payment and describe any arrangement or understanding with respect to the composition of the board of directors of the investment company or of the investment adviser, or with respect to the selection or appointment of any person to any office with either such company.

*Instruction.* Transactions involving securities in an amount not exceeding 1 per cent of the outstanding securities of any class of the investment adviser or any of its parents may be omitted.

(9) Unless the investment adviser is a bank, include a balance sheet of the investment adviser as of the end of its last fiscal year. Such balance sheet shall be certified by an independent public or certified public accountant. The Commission for good cause shown may, however, in its discretion permit (i) the omission of certification of such balance sheet, or (ii) the summarization or omission of such balance sheet if the investment adviser is primarily engaged in a business or businesses other than the underwriting or distribution of investment company securities or the performance of advisory services for registered investment companies.

(10) If, since the beginning of the investment company's last fiscal year, any investment advisory contract was terminated for any reason, state the date of such termination, identify the investment adviser and describe the circumstances of such termination.

(11) Identify any officer, director or nominee for election as a director of the investment company having any material direct or indirect interest in the principal underwriter or prospective principal underwriter of the securities of the investment company and state the nature of such interest. Describe the nature of any material relationship between the investment adviser and such principal underwriter.

(12) State the names and addresses of all parents of the principal underwriter or prospective principal underwriter of the securities of the investment company, showing the basis of control of such underwriter and each parent by its immediate parent.

*Instruction.* The instructions to subparagraph (3) of this paragraph shall apply to subparagraph (12) of this paragraph.

(b) If action is to be taken with respect to an investment advisory contract, the following information shall be included in the proxy statement:

(1) The information specified in subparagraphs (1) through (12) of paragraph (a) of this section shall be included. This information shall be furnished with respect to the existing investment adviser or any prospective investment adviser, whichever is appropriate.

(2) Describe (i) the nature of the action to be taken and the reasons therefor; (ii) the terms of the contract to be acted upon and any material differences between such contract and the arrangements then or previously existing; and (iii) if the action is to be taken because of the termination or prospective termination of a prior or existing contract, the circumstances giving rise to such termination.

(3) Describe any arrangement or understanding made in connection with the proposed investment advisory contract with respect to the composition of the board of directors of the investment company or the investment adviser or with respect to the selection or appointment of any person to any office with either such company.

(4) If the investment adviser acts as such with respect to any other investment company, identify and state the size of each such other company and state the rate of the investment adviser's compensation.

(c) The definitions in § 270.8b–2 (Rule 8b–2) shall be applicable to the terms used in this section.

**§ 270.20a–3 Information as to certain transactions.**

(a) This section shall apply to a solicitation if (1) the information specified in Item 7 of Schedule 14A of Regulation 14 (Part 240 of this chapter) is required to be furnished for an investment company, or (2) action is to be taken with respect to an investment advisory contract.

(b) Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of any officer, director or nominee for election as a director of the investment company in any material transactions since the beginning of the investment company's last fiscal year, or in any material proposed transactions, to which the investment adviser of the investment company or any parent or subsidiary of the investment adviser was or is to be a party.

*Instructions.* 1. Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

2. As to any transaction involving the purchase or sale of assets by or to the investment adviser, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within two years prior to the transaction.

3. If the interest of any person arises from the position of such person as a partner in a partnership, the proportionate interest of such person in transactions to which the

partnership is a party need not be set forth but the amount involved in the transaction with the partnership shall be stated.

4. No information need be given in response to this section with respect to any interest of (i) the investment adviser of the investment company, (ii) any affiliated person of such investment adviser or (iii) of any person whose sole interest is as a security holder of the investment adviser, in any transaction which is not related to the business or operations of the investment company and to which neither the investment company nor any of its parents or subsidiaries is a party.

5. This section does not require the disclosure of any interest in any transaction unless such interest and transaction are material.

The foregoing action is taken pursuant to the Investment Company Act of 1940, particularly sections 20(a) and 38(a) thereof. Inasmuch as the proposed rules have been widely circulated for comment and have been brought to the attention of registered investment companies, generally, by the Commission's release and through communications with industry representatives, and in order that the new rules may apply to proxy statements for annual meetings held during the current year, the Commission finds that the new rules should be made effective at the earliest practicable date. Accordingly, the foregoing action shall become effective March 4, 1960, with respect to any solicitation of proxies begun on or after that date.

By the Commission.

NELLYE A. THORSEN,
*Assistant Secretary.*

FEBRUARY 26, 1960.

[F.R. Doc. 60-1938; Filed, Mar. 2, 1960; 8:48 a.m.]

# Title 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 2058]

[Utah 029290]

### UTAH

### Reserving Public Lands for Air Navigation Site Purposes

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, and in furtherance of the purposes and objectives of the Act of May 24, 1928 (45 Stat. 729; 49 U.S.C. 214), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Utah are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not disposals of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved as follows:

a. Under jurisdiction of the Federal Aviation Agency for the construction and maintenance of air navigation facilities.

SALT LAKE MERIDIAN

T. 29 S., R. 24 E.,
Sec. 27, W½W½E½NE¼NW¼NE¼, E½W½NE¼NW¼NE¼, and E½W½W½NE¼NW¼NE¼, containing 5.00 acres.

b. Under jurisdiction of the Secretary of the Interior for use by the Federal Aviation Agency in the maintenance of the facilities to be located on the tract described in paragraph 1 of this order:

SALT LAKE MERIDIAN

T. 29 S., R. 24 E.,
Sec. 22, E½E½SE¼SW¼ and S½SE¼;
Sec. 27, N½NE¼, E½E½NE¼NW¼, N½N½S½NE¼ (excepting the legal subdivisions described in paragraph 1.a., of this order) containing 195 acres.

2. Management of the surface and subsurface resources of the lands described in paragraph 1.b. of this order shall remain with the Bureau of Land Management. Uses of the lands and disposals of their resources consistent with this order shall be subject to such provisions as may be specified by the Bureau of Land Management for the best interests of the air navigation facilities located thereon or to be operated in connection therewith.

ROGER ERNST,
*Assistant Secretary of the Interior.*

FEBRUARY 26, 1960.

[F.R. Doc. 60-1951; Filed, Mar. 2, 1960; 8:48 a.m.]

[Public Land Order 2059]

[Montana 013826 (ND)]

### NORTH DAKOTA

### Partly Revoking Public Land Order No. 1312 of July 6, 1956, and the Executive Order of June 8, 1901 (Oahe Reservoir Project)

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 1312 of July 6, 1956, withdrawing lands in North and South Dakota, for use of the Department of the Army in connection with the Oahe Reservoir Project, and the Executive order of June 8, 1901, reserving lands as an addition to the Fort Lincoln Military Reservation, are hereby revoked so far as they affect the following-described lands:

NORTH DAKOTA

FIFTH PRINCIPAL MERIDIAN

T. 138 N., R. 80 W.,
Sec. 34, lots 15, 16, 17, and 18 (formerly parts of lots 11, 13).

The tracts described, aggregating 47.40 acres, are patented.

ROGER ERNST,
*Assistant Secretary of the Interior.*

FEBRUARY 26, 1960.

[F.R. Doc. 60-1952; Filed, Mar. 2, 1960; 8:48 a.m.]

# Title 6—AGRICULTURAL CREDIT

## Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER D—REGULATIONS UNDER SOIL BANK ACT

[Amdt. 41]

### PART 485—SOIL BANK

### Subpart—Conservation Reserve Program for 1956 Through 1959

MISCELLANEOUS AMENDMENTS

The regulations governing the Conservation Reserve Program for 1956 through 1959, 21 F.R. 6289, as amended, are hereby further amended as follows:

1. Section 485.164(a) is amended by changing the second and third sentences thereof to read as follows: "It shall be considered a violation of the contract if a producer has entered into a contract or contracts, or has adopted, or participated in adopting, a scheme or device, including but not limited to, the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, or trust, the effect of which is to evade or exceed the maximum payment limitation: *Provided,* That if it is determined that the maximum payment limitation has in fact been evaded or exceeded but that the producer had no intention of evading or exceeding such limitation, it shall not be considered a violation of the contract but the contract or contracts shall be handled in accordance with the procedures applicable to contracts not in conformity with the regulations. The settlor and beneficiaries of a family trust created on or after August 16, 1956, shall be limited to aggregate annual payments under the Conservation Reserve Program of $5,000."

2. Section 485.183 is amended by adding at the end thereof the following sentence: "If the land broken out is used for a home garden with the approval of the county committee, it shall not be considered a violation of the contract."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 25th day of February 1960.

WALTER C. BERGER,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 60-1941; Filed, Mar. 2, 1960; 8:48 a.m.]

### PART 485—SOIL BANK

### Subpart—Violations Procedure

MISCELLANEOUS AMENDMENTS

The Soil Bank regulations applicable to violations, 22 F.R. 2411, as amended, are hereby further amended as follows:

§ 485.294d [Amendment]

1. Section 485.294d(a) is amended by adding at the end thereof the following

sentence: "If the land broken out is used for a home garden with the approval of the county committee, it shall not be considered a violation of the contract."

2. Section 485.294i is amended to read as follows:

**§ 485.294i Evading or exceeding maximum payment limitation.**

If a producer has entered into a contract or contracts, or has adopted, or participated in adopting, a scheme or device, including but not limited to, the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, or trust, the effect of which is to evade or exceed the maximum payment limitation, such producer shall forfeit or refund the entire amount of the annual payment payable or paid to him for each year during which the violation continues in effect: *Provided,* That if it is determined that the maximum payment limitation has in fact been evaded or exceeded but that the producer had no intention of evading or exceeding such limitation, it shall not be considered a violation but the contract or contracts shall be handled in accordance with the procedures applicable to contracts not in conformity with the regulations.

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 25th day of February 1960.

WALTER C. BERGER,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 60-1942; Filed, Mar. 2, 1960; 8:48 a.m.]

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[Amdt. 7]

## PART 485—SOIL BANK

### Subpart—Conservation Reserve Program for 1960

MISCELLANEOUS AMENDMENTS

The regulations governing the Conservation Reserve Program for 1960, 24 F.R. 7987, as amended, are hereby further amended as follows:

1. Section 485.515 is amended by adding at the end thereof the following sentence: "If the land broken out is used for a home garden with the approval of the county committee, it shall not be considered a violation of the contract."

2. Section 485.521(a) is amended by changing the second and third sentences thereof to read as follows: "It shall be considered a violation of the contract if a producer has entered into a contract or contracts, or has adopted, or participated in adopting, a scheme or device, including but not limited to, the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, or trust, the effect of which is to evade or exceed the maximum payment limitation: *Provided,* That if it is determined that the maximum payment limitation has in fact been evaded or exceeded but that the producer had no intention of evading or exceeding such limitation, it shall not be considered a violation of the contract but the contract or contracts shall be handled in accordance with the procedures applicable to contracts not in conformity with the regulations. The settlor and beneficiaries of a family trust created on or after August 16, 1956, shall be limited to aggregate annual payments under the Conservation Reserve Program of $5,000."

(Sec. 124, 70 Stat. 198; 7 U.S.C. 1812)

Issued at Washington, D.C., this 25th day of February 1960.

WALTER C. BERGER,
*Administrator,*
*Commodity Stabilization Service.*

[F.R. Doc. 60-1940; Filed, Mar. 2, 1960; 8:48 a.m.]

# Title 14—AERONAUTICS AND SPACE

## Chapter II—Civil Aeronautics Board

SUBCHAPTER C—PROCEDURAL REGULATIONS

[Reg. No. PR-38]

## PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

### Oral Argument Before the Board

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of February 1960.

Section 302.32(b) of the Board's Procedural Regulations provides that pamphlets, charts, and other written data may only be presented at oral argument in accordance with the rules set forth therein. These rules require that, except for maps and enlargements of exhibits or charts included in briefs, all such material shall be served on all parties to the proceeding and three copies be transmitted to the Docket Section of the Board at least five days in advance of the argument.

While it has been the informal practice of parties to submit five additional copies for distribution to the Board Members, there is no specific requirement in this regard. Since this practice is considered to be desirable, the Board considers it appropriate to amend § 302.32(b) so as to require the transmission of eight (8) copies of the subject data to the Docket Section in order that each Board Member may receive a copy.

Since this amendment is not a substantive rule but one of agency procedure, notice and public procedure hereon are unnecessary, and the amendment may be made effective upon less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends paragraph (b) of § 302.32 of Part 302 of the Procedural Regulations (14 CFR Part 302), effective March 3, 1960 by striking the word "three" therein and inserting in lieu thereof the word "eight."

(Sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 1001, 72 Stat. 788; 49 U.S.C. 1481)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
*Acting Secretary.*

[F.R. Doc. 60-1955; Filed, Mar. 2, 1960; 8:49 a.m.]

## Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 60-KC-1; Amdt. 81]

## PART 608—RESTRICTED AREAS

### Modification

The purpose of this amendment to § 608.57 of the regulations of the Administrator is to change the designated altitudes of the Sheboygan, Wis., Restricted Area (R-83-B) (Milwaukee Chart) from "Surface to 65,000 feet MSL" to "Surface to 45,000 feet MSL".

The U.S. Air Force no longer has a requirement for the airspace above 45,000 feet MSL within this restricted area and has concurred in the action to reduce the upper limit of Restricted Area R-83-B to 45,000 feet MSL.

Since this amendment reduces a burden on the public, compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, the following action is taken:

In § 608.57, the Sheboygan, Wis., Restricted Area (R-83-B) (Milwaukee Chart) (24 F.R. 2234) is amended by deleting "Surface to 65,000 feet MSL." and substituting therefor "Surface to 45,000 feet MSL.".

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on February 25, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

JAMES T. PYLE,
*Acting Administrator.*

[F.R. Doc. 60-1917; Filed, Mar. 2, 1960; 8:45 a.m.]

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[Reg. Docket No. 287; Amdt. 156]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### Miscellaneous Alterations

The new and revised standard instrument approach procedures appearing hereinafter are adopted to become effective and/or canceled when indicated in order to promote safety. The revised procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the revised procedures specify the complete procedure and indicate the changes to the existing procedures. Pursuant to authority delegated to me by the Administrator (24 F.R. 5662), I find that a situation exists requiring immediate action in the interest of safety, that notice and public procedure hereon are impracticable, and that good cause exists for making this amendment effective on less than thirty days' notice.

Part 609 (14 CFR Part 609) is amended as follows:

1. The low or medium frequency range procedures prescribed in § 609.100(a) are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Rio RBn | ELP-LFR (Final) | Direct | *5200 | T-dn | 300-1 | 300-1 | 200-½ |
| El Paso VOR | ELP-LFR | Direct | 5000 | C-dn | 400-1 | 500-1 | 500-1½ |
| Clint Radio Beacon | ELP-LFR | Direct | 5000 | S-dn-26 | 400-1 | 400-1 | 400-1 |
| Int ILS NE crs and W crs LFR | ELP-LFR | Direct | 5000 | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site: 335°–205°, 0–15 mi, 5000'; 15–20 mi, 7000'.

Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from stacks 4148' 4 mi S; hill 5067' 13 mi NE; hill 4651' 9.5 mi E, and hill 6717' 22 mi NE.

Procedure turn S side of crs, 078° Outbnd, 258° Inbnd, 6500' within 10 mi. Beyond 10 mi NA. (nonstandard due to terrain N).

Minimum altitude over facility on final approach crs, 5200'.

Crs and distance, facility to airport, 258°—4.0.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 mi, turn left to 125°, climb to 5200', intercept and proceed on S crs within 20 miles or, when directed by ATC, turn left to 125°, climb to 6200' on S crs within 20 miles.

*Maintain 7000' until 5 mi W of Rio RBn. If Rio RBn not identified, maintain 8000' to El Paso LFR.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class., SBRAZ; Ident., ELP; Procedure No. 1, Amdt. 14; Eff. Date, 19 Mar. 60; Sup. Amdt. No. 13; Dated, 18 July 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | | T-dn | 800-1 | 800-1 | 800-1 |
| | | | | C-d* | 1500-1 | 1500-1 | 1500-1 |
| | | | | C-n* | 1500-2 | 1500-2 | 1500-2 |
| | | | | A-d | 1500-2 | 1500-2 | 1500-2 |
| | | | | A-n | 1500-3 | 1500-3 | 1500-3 |

Procedure turn S side E crs, 100° Outbnd, 280° Inbnd, 3600' within 10 mi. (nonstandard due to obstruction N).

Minimum altitude over facility on final approach crs, 2500'.

Crs and distance, facility to airport, 285°—6.1.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.7 mi, make right climbing turn, climb to 4000' on E crs Williamsport LFR within 10 mi.

AIR CARRIER NOTE: NW-SE runway not authorized.

NOTE: ADF procedure not authorized. Williamsport LFR must be monitored during entire approach.

CAUTION: Airport minimums do not provide clearance over 2000' ridge approx 1.7 mi S of airport.

*All circling approaches to be conducted to the North of the airport.

City, Williamsport; State, Pa.; Airport Name, Williamsport; Elev., 528'; Fac. Class., BRLZ; Ident., IPT; Procedure No. 1, Amdt. 8; Eff. Date, 19 Mar. 60; Sup. Amdt. No. 7; Dated, 10 Aug. 57

2. The automatic direction finding procedures prescribed in § 609.100(b) are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Trinidad Int* | LMM | Direct | 2000 | T-dn | 300-1 | 300-1 | 200-½ |
| FOT VOR | LMM | Direct | 2000 | C-dn | 700-1 | 700-1 | 700-1½ |
| | | | | A-dn | 1000-2 | 1000-2 | 1000-2 |

Procedure turn West side crs, 188° Outbnd, 008° Inbnd, 1500' within 10 mi. Nonstandard due to high terrain to East.

Minimum altitude over facility on final approach crs, 900'.

Crs and distance, facility to airport, 314°—0.6 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, make a left climbing turn, climb to 1500' on crs of 270° from LMM within 20 mi.

CAUTION: 600' terrain 2 mi East of airport. Do not descend below 900' MSL without required visibility.

NOTE: Operative VHF marker beacon receiver required for this procedure.

**Trinidad Int:* Int FOT R-341 and brng 115° to LMM.

City, Arcata; State, Calif.; Airport Name, Arcata; Elev., 217'; Fac. Class., LMM; Ident., OV; Procedure No. 1, Amdt Orig.; Eff. Date, 10 Mar. 60

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| El Paso VOR | LOM | Direct | 5000 | T-dn | 300-1 | 300-1 | 200-½ |
| El Paso LFR | LOM | Direct | 5000 | C-dn | 400-1 | 500-1 | 500-1½ |
| Antelope Int | LOM | Direct | 7000 | S-dn-22 | 400-1 | 400-1 | 400-1 |
| Int W crs ELP LFR and NE Crs ILS | LOM | Direct | 5000 | A-dn | 800-2 | 800-2 | 800-2 |
| Rio RBn | LOM | Direct | 7000 | | | | |
| Newman VOR | LOM | Direct | 5000 | | | | |

Radar terminal area maneuvering altitudes measured clockwise around radar site: 335° to 205°, 0–15 N mi, 5000'; 15–20 N mi, 7000'.

Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from stacks 4148' 4 mi S; hill 5067' 13 mi NE; hill 4651' 9.5 mi E, and hill 6717' 22 mi NE.

Procedure turn N side of NE crs, 038° Outbnd, 218° Inbnd, 6200' within 8 mi. Beyond 8 mi NA. Nonstandard due to mountainous terrain NE.

Minimum altitude over LOM inbnd final, 4500'.

Crs and distance, facility to airport, 218°—3.7 mi.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles after passing LOM, turn left to 125°, climb to 5200', intercept and proceed South on S crs LFR, or intercept and proceed South on R-151 ELP-VOR within 20 mi or, when directed by ATC, turn left to 125°, climb to 6200', intercept and proceed South on S crs LFR, or intercept and proceed South on R-151 ELP-VOR within 20 mi.

City, El Paso; State, Tex.; Airport Name, International: Elev., 3936'; Fac. Class., LOM; Ident., EL; Procedure No. 1, Amdt. 14; Eff. Date, 19 Mar. 60; Sup. Amdt. No. 13; Dated, 18 July 59

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Malibu Int | Trout Int* (Final) | Direct | 1500 | T-dn | 300-1 | 300-1 | 200-½ |
| LAX LOM | Trout Int | Direct | 2000 | C-dn | 500-1 | 600-1 | 600-1½ |
| | | | | S-dn-7R/L | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar vectoring to final approach crs authorized.
Procedure turn South side of crs, 248° Outbnd, 068° Inbnd, 2000' within 5.0 mi of Trout Int.
Minimum altitude over Trout Int* on final approach crs, **1500'.
Crs and distance, Trout Int* to Runway 7R-L, 068°—5.0 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after crossing Trout Int*, climb to 2000' on crs of 068° no farther east than Downey FM/RBn.
*Trout Int: Int 068° brng to Los Angeles LMM and R-337 SXC-VOR or 334° brng to CSW RBn.
**Descend to airport minimums after passing Trout Int*.

City, Los Angeles; State, Calif.; Airport Name, Los Angeles International; Elev., 126'; Fac. Class., LMM; Ident., AX; Procedure No. 2, Amdt. 1; Eff. Date, 19 Mar. 60; Sup. Amdt. No. Orig.; Dated, 6 Feb. 60

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.100(c) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| ABQ LFR | ABQ-VOR | Direct | 8000 | T-dn | 300-1 | 300-1 | 200-½ |
| | | | | C-d | 1000-1 | 1000-1 | 1000-1½ |
| | | | | C-n | 1000-2 | 1000-2 | 1000-2 |
| | | | | S-d-S | 1000-1 | 1000-1 | 1000-1 |
| | | | | S-n-S | 1000-2 | 1000-2 | 1000-2 |
| | | | | A-dn | 1200-2 | 1200-2 | 1200-2 |

Procedure turn N side of crs, 257° Outbnd, 077° Inbnd, 8000' within 10 mi. (All turns to be made on N side of crs, restricted area to South.)
Minimum altitude over facility on final approach crs, 7000'.
Crs and distance, facility to airport, 077°—9.6 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 mi, make left climbing turn, climb to 8000' on 260° crs direct to ABQ VOR or, when directed by ATC, (1) turn right and climb to 7000' on N crs ABQ LFR to ABQ LFR; (2) turn right, climb to 7000' on 170° crs to ABQ LOM; (3) turn left, climb to 8000' on N crs ABQ LFR to Alameda MHW; (4) aircraft will be vectored to MEA in accordance with approved radar patterns.
CAUTION: Terrain exceeding 8000' in E quadrants ABQ LFR. All turns to be made W of North and South courses of LFR and localizer course.

City, Albuquerque; State, N. Mex.; Airport Name, Kirtland AFB/Mun; Elev., 5352'; Fac. Class., BVOR; Ident., ABQ; Procedure No. 1, Amdt. 8; Eff. Date, 19 Mar. 60; Sup. Amdt. No. 7; Dated, 4 July 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| El Paso LFR | ELP-VOR | Direct | 5000 | T-dn | 300-1 | 300-1 | 200-½ |
| Rio RBn | ELP-VOR (Final)* | Direct | 5200 | C-dn | 400-1 | 500-1 | 500-1½ |
| Newman VOR | ELP-VOR | Direct | 6000 | S-dn-26 | 400-1 | 400-1 | 400-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Radar terminal area maneuvering altitudes measured clockwise around radar antenna site: 335°-205°, 0-15 mi, 5000'; 15-20 mi, 7000'.
Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from stacks 4148' 4 mi S; hill 5067' 13 mi NE; hill 4651' 9.5 mi E, and hill 6717' 22 mi NE.
Procedure turn S side of crs, 080° Outbnd, 260° Inbnd, 6500' within 10 mi. Beyond 10 mi NA. (nonstandard due to terrain north).
Minimum altitude over facility on final approach crs, 5200'.
Crs and distance, facility to airport, 259°—4.6.
If visual contact not established upon descent to authorized landing minimums of if landing not accomplished within 4.6 mi, turn left to 125 mag, climb to 5200', intercept and proceed on R-151 within 20 mi. or, when directed by ATC, turn left to 125° mag., climb to 6200', intercept and proceed on R-151 within 20 mi.
*Maintain 7000' until 5 mi W of Rio RBn. If Rio RBn not received maintain 8000' until over ELP-VOR.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class., BVOR; Ident., ELP; Procedure No. 1, Amdt. 10; Eff. Date, 19 Mar. 60; Sup. Amdt. No. 9; Dated, 18 July 59

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Tulsa LFR | TUL-VOR | Direct | 1900 | T-dn | 300-1 | 300-1 | *200-½ |
| OWS RBn | TUL-VOR | Direct | 1900 | C-dn | 500-1 | 500-1 | 500-1½ |
| Sperry Int | TUL-VOR | Direct | 2000 | S-dn-26 | 500-1 | 500-1 | 500-1 |
| | | | | A-dn | 800-2 | 800-2 | 800-2 |

Procedure turn N side of crs, 079° Outbnd, 259° Inbnd, 1900' within 10 mi. Beyond 10 mi. NA.
Minimum altitude over facility on final approach crs, 1900'.
Crs and distance, facility to airport, 259°—4.3 mi.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles, climb to 2400' on R-288 within 20 miles, or when directed by ATC, climb to 2500' on R-236 within 20 mi.
CAUTION: Silos 1 mile West of VOR 881' MSL.
*300-1 required on Rnwys 3L, 21R, 17R and 35L.

City, Tulsa; State, Okla.; Airport Name, Municipal; Elev., 674'; Fac. Class., BVORTAC; Ident., TUL; Procedure No. 1, Amdt. 9; Eff. Date, 19 Mar. 60; Sup. Amdt. No. 8; Dated, 1 Feb. 58

4. The very high frequency omnirange-distance measuring equipment (VOR/DME) procedures prescribed in § 609.300 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| 15 mi fix R-259 | 8 mi fix R-259 | Direct | 8500 | T-dn | 300-1 | 300-1 | 200-1½ |
| 8 mi fix R-259 | 0 mi fix R-259 | Direct | 5100 | C-dn | 400-1 | 500-1 | 500-1½ |
| 10 mi fix R-079 | 0 mi fix R-079 | Direct | 5200 | S-dn-17 | 400-1 | 400-1 | 400-1 |
| 0 mi fix R-325 | 5.9 mi fix R-325 | Direct | 4500 | A-dn | 800-2 | 800-2 | 800-2 |
| R-325 | R-278 | 5.9 orbit | 4400 | | | | |
| R-278 | R-269 (Final-17) | 5.9 orbit | 4300 | | | | |

Procedure turn S side R-079, 6500' within 10 miles. When authorized by ATC, DME may be used within 10 mi between radials 325 clockwise to 209 and 7300' to position aircraft for final approach, with the elimination of a procedure turn.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left to heading of 125°, climb to 5200', intercept and proceed on R-151 within 20 mi.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class., BVOR-DME; Ident., ELP; Procedure No. VOR-DME-17, Amdt. 3; Eff. Date, 19 Mar. 60; Sup. Amdt. No. 2; Dated, 16 June 56

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 15 mi fix R-259 | 8 mi fix R-259 | Direct | 8500 | T-dn | 300-1 | 300-1 | 200-1½ |
| 8 mi fix R-259 | 0 mi fix R-259 | Direct | 5100 | C-dn | 400-1 | 500-1 | 500-1½ |
| 10 mi fix R-079 | 5 mi fix R-079 | Direct | 5200 | S-dn-26 | 400-1 | 400-1 | 400-1 |
| 5 mi fix R-079 | 0 mi fix R-079 | Direct | #4800 | A-dn | 800-2 | 800-2 | 800-2 |
| 0 mi fix R-259 | 4.6 mi fix R-259 (Final-26) | Direct | 4300 | | | | |

Procedure turn S side R-079, 6500' within 10 miles. When authorized by ATC, DME may be used within 10 mi between radials 325 clockwise to 209 at 7300' to position aircraft for final approach, with the elimination of a procedure turn.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left to heading of 125°, climb to 5200', intercept and proceed on R-151 within 20 mi.

#5200' without DME, in which case procedure turn is required.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class., BVOR-DME; Ident., ELP; Procedure No. VOR-DME-26, Amdt. 2; Eff. Date, 19 Mar. 60; Sup. Amdt. No. 1; Dated, 16 June 56

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 15 mi fix R-259 | 8 mi fix R-259 | Direct | 8500 | T-dn | 300-1 | 300-1 | 200-1½ |
| 8 mi fix R-259 | 0 mi fix R-259 | Direct | 5100 | C-dn | 400-1 | 500-1 | 500-1½ |
| 10 mi fix R-079 | 0 mi fix R-079 | Direct | 5200 | S-dn-35 | 400-1 | 400-1 | 400-1 |
| 0 mi fix R-200 | 5.8 mi fix R-200 | Direct | 4600 | A-dn | 800-2 | 800-2 | 800-2 |
| R-200 | R-247 | 5.8 orbit | 4400 | | | | |
| R-247 | R-257 (Final-35) | 5.8 orbit | 4300 | | | | |

Procedure turn S side R-079, 6500' within 10 mi. When authorized by ATC, DME may be used within 10 mi between radial 325 clockwise to 200 at 7300' to position aircraft for final approach, with the elimination of a procedure turn.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn right to heading of 125, climb to 5200', intercept and proceed on R-151 within 20 miles.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936', Fac. Class., BVOR-DME; Ident., ELP; Procedure No. VOR-DME-35, Amdt. 3; Eff. Date, 19 Mar. 60; Sup. Amdt. No. 2; Dated, 16 June 56

5. The instrument landing system procedures prescribed in § 609.400 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| El Paso VOR | LOM | Direct | 5000 | T-dn | 300-1 | 300-1 | 200-1 |
| El Paso LFR | LOM | Direct | 5000 | C-dn | 400-1 | 500-1 | 500-1½ |
| Antelope Int | LOM | Direct | 7000 | S-dn-22* | 200-¾ | 200-½ | 200-1 |
| Int W ers ELP LFR and NE ers ILS | LOM | Direct | 5000 | A-dn | 600-2 | 600-2 | 600-2 |
| Rio RBn | LOM | Direct | 7000 | | | | |
| Newman VOR | LOM | Direct | 5000 | | | | |

Radar terminal area maneuvering altitudes measured clockwise around radar site: 335° to 205°, 0-15 N mi, 5000'; 15-20 N mi, 7000'.

Radar control must provide 3 mi or 1000' vertical separation; or 3 to 5 mi and 500' vertical separation from stacks 4149' 4 mi S; hill 5067' 13 mi NE; hill 4651' 9.5 mi E, and hill 6717' 22 mi NE.

Procedure turn N side of NE crs, 038° Outbnd, 218° Inbnd, 6200' within 8 mi. Beyond 8 mi NA. Nonstandard due to mountainous terrain NE.

Minimum altitude at G.S. int inbnd, 5000'.

Altitude of G.S. and distance to appr end of rny at OM 5000—3.7, at MM 4120—0.3.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left to 125°, climb to 5200', intercept and proceed South on S crs LFR or intercept and proceed South on R-151 ELP VOR within 20 mi or, when directed by ATC, turn left to 125°, climb to 6200', intercept and proceed South on S ers LFR, or intercept and proceed South on R-151 ELP VOR within 20 mi.

*Straight-in minima 400-¾ when glide slope not used. Glide slope touch down 2744' from runway end.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936'; Fac. Class., ILS; Ident., I-ELP; Procedure No. ILS-22, Amdt. 14; Eff. Date, 19 Mar. 60; Sup. Amdt. No. 13; Dated, 18 July 59

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| Malibu Int | Trout Int* (Final) | Direct | 1500 | T-dn | 300–1 | 300–1 | 200–½ |
| Los Angeles LOM | Trout Int* | Direct | 2000 | C-dn | 500–1 | 600–1 | 600–1½ |
| | | | | S-dn-7R/L | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar vectoring to final approach crs authorized.
Procedure turn South side of W crs, 248° Outbnd, 068° Inbnd, 2000′ within 5.0 mi of Trout Int*.
Minimum altitude over Trout Int* on final approach crs, 1500′ **.
Crs and distance, Trout Int* to Airport, 068°—5.0 mi.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.0 miles after crossing Trout Int*, climb to 2000′ on East crs LAX ILS localizer no farther east than Downey FM/RBn.
NOTE: Narrow localizer course—4°.
*Trout Int: Int LAX ILS localizer W crs and R–337 SXC–VOR or 334° brng to CSW RBn.
**Descend to airport minimums after passing Trout Int.

City, Los Angeles; State, Calif.; Airport Name, Los Angeles Int'l; Elev., 126′; Fac. Class., ILS; Ident., I–LAX; Procedure No. ILS–7R/L, Amdt. Orig.; Eff. Date, 19 Mar. 60

6. The radar procedures prescribed in § 609.500 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Transition | | | | Ceiling and visibility minimums | | | |
|---|---|---|---|---|---|---|---|
| From— | To— | Course and distance | Minimum altitude (feet) | Condition | 2-engine or less | | More than 2-engine, more than 65 knots |
| | | | | | 65 knots or less | More than 65 knots | |
| | | | | Surveillance approach | | | |
| | | | | T-dn | 300–1 | 300–1 | 200–½ |
| | | | | C-dn | 400–1 | 500–1 | 500–1½ |
| | | | | S-dn-22, 26 | 400–1 | 400–1 | 400–1 |
| | | | | A-dn | 800–2 | 800–2 | 800–2 |

Radar terminal area maneuvering altitudes, measured clockwise around radar site: 335° to 205°, 0–15 NM 5000′; 15–20 NM 7000′.
Radar control must provide 3 mi or 1000′ vertical separation or 3 to 5 mi and 500′ vertical separation from stacks 4148′ 4 mi S; hill 5067′ 13 mi NE; hill 4651′ 9.5 mi E, and hill 6717′ 22 mi NE.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn left to 125°, climb to 5200′, intercept and proceed on S crs LFR or intercept and proceed S on R–151 within 20 miles, or when directed by ATC, turn left to 125°, climb to 6200′, intercept and proceed on S crs LFR or intercept and proceed S on R–151 within 20 mi.

City, El Paso; State, Tex.; Airport Name, International; Elev., 3936′; Fac. Class., El Paso; Ident., Radar; Procedure No. 1, Amdt. 1; Eff. Date, 19 Mar. 60; Sup. Amdt. No. Orig.; Dated, 15 Mar. 58

These procedures shall become effective on the dates indicated on the procedures.

(Secs. 313(a), 307(c), 72 Stat. 752, 749; 49 U.S.C. 1354(a), 1348(c))

Issued in Washington, D.C., on February 19, 1960.

OSCAR BAKKE,
*Director, Bureau of Flight Standards.*

[F.R. Doc. 60–1719; Filed, Mar. 2, 1960; 8:45 a.m.]

# Title 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

### PART 73—SCABIES IN CATTLE

### Gove County, Kansas; Revocation of Notice and Quarantine

Pursuant to sections 1 and 3 of the Act of March 3, 1905, as amended, sections 4 and 5 of the Act of May 29, 1884, as amended, and sections 1 and 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111–113, 120, 121, 123, 125), the provisions in § 73.0, Part 73, Title 9, Code of Federal Regulations, which give notice that cattle in Kansas are affected with scabies, and quarantine Gove County, Kansas because of said disease, are hereby revoked.

(Secs. 1, 3, 33 Stat. 1264–1265, as amended, secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended; 21 U.S.C. 111–113, 120, 121, 123, 125. Interpret or apply secs. 2, 4, 33 Stat. 1265–1265, as amended, secs. 6, 7, 23 Stat. 32, as amended: 21 U.S.C. 115, 117, 124, 126; 19 F.R. 74, as amended)

*Effective date.* The foregoing action shall become effective upon issuance hereof except that said § 73.0 shall be deemed to remain in full force and effect with respect to any right that accrued, liability that was incurred, or violation that occurred prior to such issuance.

This action releases Gove County in Kansas, heretofore quarantined because of scabies, from such quarantine and revokes the notice that cattle in Kansas are affected with scabies. Hereafter, the restrictions pertaining to the interstate movement of cattle from quarantined areas, contained in 9 CFR Part 73, as amended, will not apply to this County. However, the restrictions pertaining to such movement from non-quarantined areas as contained in said Part 73, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed and should be made effective immediately to be of maximum benefit to persons subject to the restrictions which are being relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and unnecessary, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of February 1960.

M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F.R. Doc. 60–1957; Filed, Mar. 2, 1960; 8:49 a.m.]

# Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 7539 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

### Action for Creditors, Inc., et al.

Subpart—Acquiring confidential information unfairly: § 13.1 *Acquiring confidential information unfairly.* Subpart—Advertising falsely or misleadingly: § 13.85 *Government approval, action, connection or standards:* § 13.85–60 Standards, specifications, or source. Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods— Business status, advantages or connections: § 13.1425 *Government connection;* [Misrepresentating oneself and goods]—Goods: § 13.1640 *Government source or origin.* Subpart—Using misleading name—vendor: § 13.2380 *Government connection.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Action for Creditors, Inc. (Washington, D.C.), et al., Docket 7539, January 30, 1960]

*In the Matter of Action For Creditors, Inc., a Corporation, and Edwin G. Axel, Fae Hoffman and Milton S. Hoffman, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Washington, D.C., concern with using and selling misleading "skip tracing" forms for collection of delinquent accounts which implied—through misleading titles and an eagle perched atop a shield, ambiguous statements, and a Washington, D.C., mailing address—that they were sent by a Government agency.

Based on a consent agreement, the hearing examiner made his initial decision and order to cease and desist which became on January 30 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondents Action For Creditors, Inc., a corporation, and its officers, and Edwin G. Axel and Milton S. Hoffman, individually and as officers of said corporation and Fae Hoffman as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or use of printed forms or other material in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the names "Bureau of Delinquent Accounts", "Office of Credit Investigation and Protection", the picturization of an eagle or any other name, phrase, picturization, or emblem of similar import on printed forms or otherwise.

2. Representing, directly or by implication, or placing in the hands of others any means of representing:

(a) That any investigation or other action has been, or will be, taken by any agency of the United States Government, or any other government or any branch or agency thereof;

(b) That any such forms are in any way the product of or used by any agency of the United States Government, or any other government or any branch or agency thereof;

(c) That respondents, or any of them, or their business or forms are in any way connected with the United States Government, or any other government or any branch or agency thereof.

3. Using or placing in the hands of others for use, any printed forms or other material which do not clearly reveal that respondents are engaged in the collection of delinquent debts or the sale of forms for use in the collection of delinquent debts.

4. Misrepresenting in any manner the type of business in which respondents are engaged or the purpose of any forms or other material used or sold by respondents.

*It is further ordered,* That the complaint be, and the same hereby is, dismissed as to respondent Fae Hoffman, individually, without prejudice to the right of the Commission to take such further action against said respondent as future facts may warrant.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondents Action for Creditors, Inc., a corporation, and Edwin G. Axel and Milton S. Hoffman, individually and as officers of said corporation and Fae Hoffman as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 29, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 60–1921; Filed, Mar. 2, 1960; 8:45 a.m.]

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[Docket 7323 c.o.]

### PART 13—PROHIBITED TRADE PRACTICES

### Diamond Crystal Salt Co.

Subpart—Acquiring stock or assets of competitor: § 13.5 *Acquiring stock or assets of competitor.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731; 15 U.S.C. 18) [Cease and desist order, Diamond Crystal Salt Co., St. Clair, Michigan, Docket 7323, February 4, 1960]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the nation's fourth largest salt producer with acquiring the sixth largest in a highly concentrated industry in violation of section 7 of the Clayton Act.

After a number of hearings, an agreement containing a consent order was accepted, on the basis of which the hearing examiner made his initial decision and order requiring divestiture of the acquired properties. After review by the Commission, the initial decision became on February 4 the decision of the Commission.

The order to cease and desist is as follows:

(1) *It is ordered,* That respondent, Diamond Crystal Salt Co., shall divest itself absolutely, in good faith, of all right, title, and interest, real and personal, in the property described in the next succeeding paragraph of this order, located in the Seneca Lake region in the State of New York, consisting of whatever real estate, appurtenances, attachments, facilities, mining rights, and other interests in such property, which respondent acquired from the former Jefferson Island Salt Company at the time the stock, business, and assets of the said Jefferson Island Salt Company were acquired by respondent.

The aforementioned Seneca Lake property may be more particularly described as all that tract or parcel of land, situate in the Town of Reading, County of Schuyler, and State of New York, lying east of the Northern Central Division of the Pennsylvania Railroad, bounded on the east by the shores of Seneca Lake, on the north by lands of William Davis, on the west by lands of the Northern Central Division of the Pennsylvania Railroad, and on the south by lands of the Watkins State Bank; being that portion of the so-called Baker Farm lying east of the aforesaid railroad consisting of 16 acres of land more or less; together with mining rights on that portion of the Baker Farm lying west of said railroad and east of the so-called Lake Road, consisting of 54 acres of land more or less.

Such divestiture shall be completed within six months from the date of this order, and shall consist of the disposition by respondent of all right, title, and interest, real and personal, in the above-described "Seneca Lake" property currently owned by respondent. Respondent shall not sell or transfer any such right, title, or interest, directly or indirectly, to any officer, director, employee, distributor, agent, or subsidiary of, or any one otherwise directly or indirectly under the control or influence of, respondent or any of its officers or directors, nor shall respondent sell or transfer any such right, title and interest in said "Seneca Lake" property to any other salt producer whose annual production of dry salt averaged in excess of 350,000 short tons during the five calendar years, 1954–1958.

(2) *It is provided, however,* That if any property or interest is not sold or disposed of entirely for cash, nothing herein contained shall be deemed to prohibit respondent from retaining, accepting, and enforcing a bona fide lien, mortgage, deed of trust, or other form of security on said property or other interest for the purpose of securing to respondent full payment of the price at which said property is disposed of or sold.

(3) *And provided further,* That if, after a good faith divestiture of the aforesaid property or interest, the buyer fails to perform his purchase obligation to respondent and respondent thereby regains ownership of or control over the aforesaid property, respondent shall redivest itself of the property and other interests within three months in the same manner as ordered originally.

The term "salt" as used herein, shall mean a mineral containing recoverable sodium chloride in commercial quantities.

The term "commerce" as used herein shall mean "commerce" as defined in the Clayton Act, as amended.

(4) *It is further ordered,* That for a period of ten years from the date of the issuance of this order by the Federal Trade Commission, respondent shall cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, by merger, consolidation, or purchase, the physical assets, stock, share capital of, or any other interest in any corporation, in commerce, engaged in the business of producing and/or distributing salt in any form, specifically including salt in a dry state produced by any dry mining method, or produced by any evaporation method, and salt in brine.

(5) *It is further ordered,* That if at any time after ten years from the date of issuance of this order by the Federal Trade Commission, respondent intends to acquire, directly or indirectly, through subsidiaries or otherwise, by merger, consolidation, or purchase, the physical assets, stock, share capital of, or any other interest in any corporation engaged in the business of producing and/or distributing salt, as hereinbefore described, in any form, in commerce, or respondent intends to sell, merge, or consolidate the whole or any part of its stock or other share capital, or the whole or any part of its assets, with another corporation, in commerce, respondent shall notify the Commission at least 90 days prior to the effective date of the proposed acquisition, consolidation, merger, or sale, and submit to the Commission, for its consideration full and complete disclosure of the facts with respect to such proposed acquisition, consolidation, merger, or sale, and the reasons therefor.

Nothing contained in either of the two preceding paragraphs shall preclude respondent from buying or selling, from any seller or to any buyer, physical assets retired by it or by the seller from salt production or not directly related to the production of salt.

(6) *It is further ordered,* That for a period of ten years from the date of the issuance of this order by the Federal Trade Commission, respondent shall cease and desist from selling more than 70 percent of the total annual production of Rock Salt mined at the respondent's plant at Jefferson Island, Louisiana until amounts not exceeding 30 percent of such Rock Salt have been made available in good faith in accordance with respondent's regular credit requirements, and at respondent's regular prices, terms and conditions, and in weights and packages, types and grades, regularly produced at respondent's Jefferson Island plant, to all other producers of salt for sale who do not have resources and facilities for the production of Louisiana Rock Salt by means of a dry mining method (or who, to the knowledge of respondent, are not owned or controlled by others possessing such resources and facilities), the amount to be offered in each of respondent's fiscal years to each such qualifying producer to be not less than the largest amount purchased by any of such qualified producers in any one of the five years prior to respondent's acquisition of Jefferson Island Salt Company. After any such producer shall have purchased such Rock Salt from respondent for three consecutive fiscal years after the date of this order in an aggregate amount not less than its total annual entitlement hereunder, respondent shall on such producer's request negotiate in good faith with such producer for a long term contract to provide such producer with such salt in an annual amount not required hereby to be greater than 25,000 tons, or five percent, of respondent's annual production at its Jefferson Island plant, whichever shall be the lesser amount; or any such producer may after such three year period, in lieu of negotiating for such a long term contract, purchase annually thereafter 106 percent of the amount such producer had purchased in any preceding year during the ten year period subsequent to the date of this order. No such sales need be made on delivery schedules at a rate or rates which for any two consecutive calendar months would exceed 25 percent of the total annual stipulated entitlement of the purchaser hereunder nor on delivery schedules incompatible with production limitations applying to particular types and grades. Respondent will be deemed to have made such Rock Salt available in good faith within the meaning of this paragraph inter alia, if it has during January of each calendar year made an offer in writing in accordance with the provisions of this order to every producer of salt for sale known by it to be qualified hereunder.

(7) *Provided, however,* That nothing contained in the preceding paragraph shall require respondent to make available to the producers of salt for sale who qualify under the provisions of the preceding paragraph and to present non-consuming purchasers with long term contracts, an aggregate amount of more than 30 percent of its annual production of Jefferson Island Rock Salt.

The term "annual production", as used herein, shall mean (i) for any calendar year during the ten-year period subsequent to the date of this order, the number of tons of Rock Salt produced for sale by respondent at its plant at Jefferson Island, Louisiana in the preceding calendar year, and (ii) for any period less than a calendar year, the number

of tons of Rock Salt so produced during the corresponding period in the preceding calendar year.

Nothing contained in this order shall be considered to have been violated by any action or inaction of respondent over which respondent shall have had no control, where such action or inaction shall have been occasioned by war, civil insurrection, strikes, embargoes, catastrophes, or Acts of God.

Jurisdiction is retained so that respondent may at any time hereafter petition the Commission for construction or modification of this order which the Commission will consider and, upon proper showing by respondent, allow to the extent it finds such construction or modification to be warranted and consistent with section 7 of the Clayton Act, as amended.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is further ordered,* That the respondent Diamond Crystal Salt Co. shall, within sixty (60) days from the date of service of this order, (1) submit a report, in writing, setting forth in detail the manner and form in which it has complied with Paragraphs 4, 5 and 6 of the order to cease and desist and to divest contained in said initial decision, and (2) further submit, in writing, for the consideration and approval of the Commission its plan for compliance with Paragraph 1 of said order and its related provisions respecting divestiture, including the date within which compliance can be effected, the time for filing of report of compliance with the order to divest to be hereafter fixed by order of the Commission and jurisdiction being retained for that purpose.

Issued: February 4, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-1922; Filed, Mar. 2, 1960; 8:45 a.m.]

[Docket 7594 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### M. Benkel & Sons, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, M. Benkel & Sons, Inc., et al., New York, N.Y., Docket 7594, January 30, 1960]

*In the Matter of M. Benkel & Sons, Inc., a Corporation, and Morris Benkel (Herein Previously Complained Against as Maurice Benkel), Samuel Benkel, and Bernard Benkel, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging New York City manufacturers with violating the Wool Products Labeling Act by labeling as "100% wool", caps which contained substantially less wool, and by failing to label other wool products as required.

After acceptance of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on January 30 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That the respondents, M. Benkel & Sons, Inc., a corporation, and its officers and Morris Benkel (herein previously complained against as Maurice Benkel), Samuel Benkel, and Bernard Benkel, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of men's caps or other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding said products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to character or amount of the constituent fibers included therein.

2. Failing to securely affix or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 29, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 60-1923; Filed, Mar. 2, 1960; 8:46 a.m.]

[Docket 7561 c.o.]

## PART 13—PROHIBITED TRADE PRACTICES

### Metro Cap Co., Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185–90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212–90 Wool Products Labeling Act; § 13.1325 *Source or origin:* 13.1325–60 Maker or seller: 13.1325–60(c) Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852–80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U.S.C. 45, 68–68(c)) [Cease and desist order, Metro Cap Company, Inc., et al., New York, N.Y., Docket 7561, January 30, 1960]

*In the Matter of Metro Cap Company, Inc., a Corporation, Max Bachurski and Isidore Avnet, Individually and as Officers of Said Corporation, Sam Cohen, Individually and as a Stockholder and Employee of Said Corporation, and Sportswear Industries, Inc., a Corporation, David Telson and Arnold Gray, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging manufacturers in New York City with violating the Wool Products Labeling Act by labeling as 100% wool, men's caps which contained a substantial amount of other fibers; by falsely labeling caps with respect to the name of mill producing the cloth used therein; and by failing in other respects to comply with requirements of the Act.

After acceptance of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on January 30 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That the respondents, Sportswear Industries, Inc., a corporation, and its officers, and David Telson

and Arnold Gray, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of men's caps or other wool products, do forthwith cease and desist from misbranding said products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to character or amount of the constituent fibers included therein;

2. Falsely or deceptively stamping, tagging, or labeling or otherwise identifying such products as to the name of the manufacturer of the fabric used in such products;

3. Failing to securely affix or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

*It is ordered,* That the respondents, Metro Cap Company, Inc., a corporation, and its officers, and Max Bachurski and Isidore Avnet, individually and as officers of said corporation, and Sam Cohen, individually and as an employee of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of men's caps or other wool products, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to character or amount of the constituent fibers included therein;

2. Falsely or deceptively stamping, tagging, or labeling or otherwise identifying such products as to the name of the manufacturer of the fabric used in such products;

3. Failing to securely affix or place on each such produet a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling, or adulterating matter; and

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondents named in the caption hereof shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 29, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F.R. Doc. 60-1924; Filed, Mar. 2, 1960; 8:46 a.m.]

# Proposed Rule Making

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### [ 43 CFR Part 192 ]

### OIL AND GAS LEASES

### Required Forms of Remittances To Accompany Simultaneous Offers for Oil and Gas Leases

*Basis and purpose.* Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920 (41 Stat. 437; 30 U.S.C. sec. 181 et seq.) as amended and supplemented, and section 2478 of the Revised Statutes (43 U.S.C. sec. 1201), it is proposed to amend 43 CFR 192.43(c) as set forth below. The purpose of this amendment is to specify the various forms of remittances that are acceptable in the filing of simultaneous offers for oil and gas leases.

It is the policy of the Department of the Interior wherever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendment to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Paragraph (c) of § 192.43 is amended to read as follows:

**§ 192.43 Availability of lands to further lease offers where noncompetitive lease expires, is cancelled, relinquished or terminated.**

* * * * *

(c) Each offer to lease must conform with the acreage requirements of § 192.42 (d), and must be accompanied by separate remittances to cover payment of the filing fee and payment of the advance rental required by the regulations in this chapter. Such remittances must be made by cash, money orders, certified checks, bank drafts, or bank cashier's checks. Any offer not so submitted will not be accepted for filing.

ROGER ERNST,
*Assistant Secretary of the Interior.*

FEBRUARY 26, 1960.

[F.R. Doc. 60-1931; Filed, Mar. 2, 1960; 8:47 a.m.]

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### Bureau of Mines

### [ 30 CFR Part 25 ]

[Bureau of Mines Schedule 16E]

### MULTIPLE-SHOT BLASTING UNITS

### Procedures for Testing for Permissibility

Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003(a)), notice is hereby given that under authority contained in sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7; and sec. 1, 66 Stat. 709, 30 U.S.C. 482(a); it is proposed to revise the regulations in Part 25, Chapter I of Title 30, Code of Federal Regulations, as set forth below.

The principal revisions are: Specific instructions given to applicants for submitting materials required for test; requiring statements from applicants on the safe operation of units, which shall be acceptable before tests are begun; requiring an energy indicator to show the capability of a unit to fire detonators; and requiring an automatic means to prevent inadvertent or deliberate firing before indication of readiness to fire is manifested.

In accordance with the policy of the Department of the Interior interested persons may submit written comments, suggestions, or objections with respect to the proposed revision to the Director, Bureau of Mines, Washington 25, D.C., within 30 days after the date of publication in the FEDERAL REGISTER.

MARLING J. ANKENY,
*Director.*

Approved: February 26, 1960.

ELMER F. BENNETT,
*Acting Secretary of the Interior.*

Part 25, Chapter I of Title 30, Code of Federal Regulations, would be revised to read as follows:

**Subpart A—General Provisions**

Sec.
25.1 Purpose.
25.2 Definitions.
25.3 Consultation.
25.4 Fees for investigation.
25.5 Tests and investigations.
25.6 Applications.
25.7 Specifications; all types of units.
25.8 Specifications; particular types of units.
25.9 Conduct of investigations and demonstrations.
25.10 Certificate of approval.
25.11 Approval plate.
25.12 Changes after approval.
25.13 Withdrawal of approval.

**Subpart B—Blasting Units Capable of Detonating 10 Short-Delay Electric Detonators**

25.20 Definition.
25.21 Specifications.

**Subpart C—Blasting Units Capable of Detonating 20 Short-Delay Electric Detonators**

25.25 Definition.
25.26 Specifications.

AUTHORITY: §§ 25.1 to 25.26 issued under sec. 5, 36 Stat. 370, as amended, sec. 212, 66 Stat. 709; 30 U.S.C. 7, 482. Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479.

### Subpart A—General Provisions

**§ 25.1 Purpose.**

The regulations in this part set forth the specifications and requirements for multiple-shot blasting units to procure their approval and certification as permissible for use in coal mines; procedures for applying for such certification; and fees.

**§ 25.2 Definitions.**

As used in this part:

(a) "Permissible," as applied to a multiple-shot blasting unit, means that the unit conforms to the specifications and requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Certificate of approval" means a formal document issued by the Bureau stating that the unit has met the specifications and requirements in this part and authorizing the use and attachment of an official approval plate.

(c) "Blasting unit" means an apparatus for detonating high explosives by applying electric current to electric detonators.

(d) "Multiple-shot blasting unit" means a blasting unit capable of detonating short-delay electric detonators, as further defined in § 25.20 or § 25.25.

(e) "Short-delay electric detonator" means a delay-type detonator (blasting cap) the delay periods of which range in nominal value from 25 to 500 milliseconds, and which will initiate (detonate) multiple charges of high explosives in succession with one application of the firing current.

(f) "Bureau" means the United States Bureau of Mines.

(g) "Applicant" means an individual, partnership, company, corporation, association, or other organization that designs, manufactures, or assembles, and that seeks a certificate of approval or preliminary testing of a multiple-shot blasting unit.

**§ 25.3 Consultation.**

By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, to discuss with qualified Bureau representatives proposed designs of equipment to be submitted in accordance with the requirements of the regulations of this part. No charge is made for such consultation.

**§ 25.4 Fees for investigation.**

(a) The fee for a complete investigation of a multiple-shot blasting unit is $250.

(b) The full fee must accompany an application for retesting a unit which has been previously tested and disapproved; but if less work is involved than for a complete investigation, the charge will be in proportion to the work done, and any surplus will be refunded to the applicant.

(c) The fee for tests covering only part of a complete investigation, such as to assist an applicant in developing a unit, will be charged according to the work involved and will be in proportion to that charged for a complete investi-

gation A fee for such tests shall be determined in advance by the Bureau and the applicant notified accordingly in writing.

(d) Ordinarily a fee is not charged for an application covering an extension of approval that does not require test work. Each case, however, will be considered individually, and if a fee is required, the applicant will be notified accordingly, and the fee must be paid in advance before the investigation will be undertaken.

**§ 25.5 Tests and investigations.**

Unless the application states otherwise, it will be presumed that a complete investigation for certification is desired. However, the application may be expressly limited to some element or phase less than a complete investigation; and in any case if the tests at any stage indicate that the unit does not conform to the specifications in this part, the Bureau may treat the application as one for a partial investigation up to that point. Complete investigation for certification will not be undertaken unless the unit has been fully developed, is ready to be marketed, and is submitted completely assembled. The minimum material required for tests will be four complete units and such additional expendable parts as the Bureau may require.

**§ 25.6 Applications.**

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees, and all prescribed drawings, specifications, and related material. The application and all related matters and all correspondence concerning it shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: Chief, Branch of Electrical-Mechanical Testing.

(b) The unit to be tested may be shipped (charges prepaid) at the same time the application is submitted, or at the option of the applicant shipment of the unit may be deferred until the Bureau has notified the applicant that the application will be accepted.

(c) Drawings and specifications shall be adequate in number and detail to identify fully the design of the unit and to disclose its materials, detailed dimensions of all parts, and wiring diagram. Drawings must be numbered and dated to insure accurate identification and reference to records, and must show the latest revision. Specifications must be given for materials, components, and subassemblies.

**§ 25.7 Specifications; all types of units.**

(a) The Bureau will not test or investigate any unit that in its opinion is not constructed of suitable materials, that evidences faulty workmanship, or that is not designed upon sound engineering principles. In addition to any specifications or requirements imposed by the regulations in this part, the Bureau may impose such further specifications or requirements as in its opinion are necessary or proper to investigate or test the particular device submitted.

(b) Any unit that satisfies all of the requirements of this part may be certified as permissible.

(c) Adequacy of design and construction will be determined in connection with the following factors: Kind and durability of materials, test of active parts, resistance to moisture, drop test, insulation measurements, durability of construction, practicality in operation, suitability for underground service, and performance characteristics during the investigation.

(d) The unit shall not ignite explosive gas-air mixtures or cause misfires or premature firing when operated according to the applicant's prescribed conditions of use, which shall be acceptable to the Bureau.

(e) The firing operation must be accomplished by a removable key or other acceptable means to prevent accidental or premature firing.

(f) (1) A suitable means, incorporated as an integral part of the blasting unit, shall be provided to indicate, before each round of shots is fired, the ability of the unit to meet the average current and energy requirements, as stated in paragraphs (h) and (i) of this section.

(2) An energy indicator shall be required to indicate the capability of the unit to fire the detonators. This test of capability shall be required before the firing operation can be accomplished. An automatic means to prevent inadvertent or deliberate firing prior to this indication of readiness shall be incorporated in the unit.

(g) The voltage must be cut off or be reduced within 15 milliseconds (0.015 second) after the firing contact is made to such a value that no incendive spark (an electric spark of sufficient intensity to ignite flammable methane-air mixtures) can result from accidental post-firing contact of wires in the firing circuit.

(h) The average current produced by the unit shall be not less than 1.5 amperes, based on a 5-millisecond application to the bridgewire of the short-delay electric detonators. The unit shall be so designed that discontinuities in the firing circuit of the unit shall not be possible during the specified firing time.

(i) The energy applied to the firing circuit of the blasting unit shall be as stated in § 25.21(a) or § 25.26(a).

(j) The difference of potential at the terminals of the blasting unit shall be as stated in § 25.21(b) or § 25.26(b).

(k) Terminals of the unit for connecting the firing (blasting) cable shall be well insulated, without exposed parts that can become "alive" when energized.

(l) The unit shall have a shunt resistance or other means acceptable to the Bureau to limit the voltage across the firing-line terminals, except during periods of charging and firing.

(m) The housing for the unit shall be sealed to prevent tampering with the contents and mechanically strong for mine service.

(n) The unit shall meet electrical leakage and clearance tests. The voltage for testing shall be twice the maximum voltage employed in the shot-firing unit. These tests shall be made in an atmosphere of at least 80 percent relative humidity.

**§ 25.8 Specifications; particular types of units.**

(a) Generator type: The energy output shall not depend upon the physical effort of an operator of the blasting unit.

(b) Generator or battery, condenser-discharge type:

(1) Condensers must be capable of withstanding 25,000 charge and discharge cycles at the normal rate specified by the applicant.

(2) An automatic means shall be provided to insure that no electrical charge will remain in the condenser(s) when the blasting unit is not in use.

(3) Firing shall not occur automatically upon operation of a device provided for charging condensers but must be accomplished by a separate manual operation. The method of firing shall be designed to insure no significant loss of charge from condensers during the firing process by inadvertent or deliberate action prior to the closing of the firing switch or contact(s).

(4) If battery-powered, the unit shall be so designed and constructed that the battery can be replaced without disturbing or damaging other electrical components.

**§ 25.9 Conduct of investigations and demonstrations.**

(a) Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. After the issuance of a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved unit as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers. The Bureau shall hold as confidential and shall not disclose the results of chemical analyses of materials or the contents of the application and its accompanying drawings, specifications, and related materials.

**§ 25.10 Certificate of approval.**

(a) Upon the completion of the investigation the Bureau shall issue to the applicant either a certificate of approval or a written notice of disapproval. If a certificate of approval is issued, no test data or detailed results of the test will accompany it. If the unit is disapproved, the notice of disapproval will be accompanied by details of the defects, with a view to possible correction. The Bureau

will hold as confidential the results of tests of units that are disapproved.

(b) Only formal written certificates of approval or notices of disapproval will be issued.

(c) A certificate of approval will be accompanied by a list of the drawings and specifications covering the details of design and construction upon which the approval is based, and with the official approval number marked thereon. Applicants shall keep exact duplicates of the drawings and specifications that have been submitted to the Bureau and that relate to any unit which has received a certificate of approval, and these are to be adhered to exactly in production of the approved unit for commercial purposes.

**§ 25.11 Approval plate.**

(a) A certificate of approval will be accompanied by a photograph of a design for an approval plate, bearing the seal of the Bureau, the name of the applicant, the class of unit to which the approval relates, and spaces for the approval number, the type, and serial number. When necessary, an appropriate statement of the precautions to be observed in maintaining the unit in an approved condition shall be added.

(b) The applicant shall reproduce the design on a stainless steel plate with the lettering etched or indented thereon. The size, type, method of attaching, and location of approval plates are subject to the approval of the Bureau. The method of affixing the approval plate shall not impair any explosion-proof feature of the unit.

(c) The approval plate identifies the unit to which it is attached as permissible, and is the applicant's guarantee that the unit complies with the specifications and requirements in this part. Without an approval plate, no unit has the status of "permissible" under the provisions of this part.

(d) Use of the approval plate obligates the applicant to maintain the quality of each unit bearing it and guarantees that it is manufactured and assembled according to the drawings and specifications upon which a certificate of approval is based. Use of the approval plate is not authorized except on units that conform strictly with the drawings and specifications upon which the certificate of approval is based.

**§ 25.12 Changes after approval.**

If an applicant desires to change any feature of an approved unit and still have it covered by an existing certificate of approval, he shall first obtain the Bureau's approval of the change, pursuant to the following procedures:

(a) Application shall be made, as for an original certification, requesting that the existing certificate of approval be extended to cover the proposed change. The application shall be accompanied by drawings and specifications and related material as in the case of an original application.

(b) The application will be examined by the Bureau to determine whether inspection and testing of the modified unit or any part thereof will be required. Generally, inspection and testing will be necessary if there is a possibility that the modification may affect adversely the performance of the unit. The Bureau will inform the applicant whether such inspection and testing is required, the parts or materials to be submitted for that purpose, and the fee required.

(c) If the proposed modification meets the requirements and specifications of this part, a formal "extension of approval" will be issued accompanied by a list of new and corrected drawings and specifications to be added to those already on file as the basis for the certificate of approval.

**§ 25.13 Withdrawal of approval.**

The Bureau reserves the right to rescind, for cause, at any time, any approval granted under this part.

## Subpart B—Blasting Units Capable of Detonating 10 Short-Delay Electric Detonators

**§ 25.20 Definition.**

As used in this subpart:

"Multiple-shot blasting unit" means that the unit is capable of consistently detonating not to exceed ten (10) short-delay electric detonators with a single application of electrical energy to the firing circuit, with the detonators connected in series, and with a total firing-circuit resistance of not less than 125 ohms.

**§ 25.21 Specifications.**

(a) The electrical energy applied to the firing circuit by the multiple-shot blasting unit shall be not less than 1.4 watt-seconds when the unit is operated according to the applicant's prescribed conditions of use, which shall be acceptable to the Bureau.

(b) The difference of potential at the terminals of the multiple-shot blasting unit shall not exceed 375 volts.

## Subpart C—Blasting Units Capable of Detonating 20 Short-Delay Electric Detonators

**§ 25.25 Definition.**

As used in this subpart:

"Multiple-shot blasting unit" means that the unit is capable of consistently detonating not to exceed twenty (20) short-delay electric detonators with a single application of electrical energy to the firing circuit, with the detonators connected in series, and with a total firing-circuit resistance of not less than 150 ohms.

**§ 25.26 Specifications.**

(a) The electrical energy applied to the firing circuit by the multiple-shot blasting unit shall be not less than 1.7 watt-seconds when the unit is operated according to the applicant's prescribed conditions of use, which shall be acceptable to the Bureau.

(b) The difference of potential at the terminals of the multiple-shot blasting unit shall not exceed 400 volts.

[F. R. Doc. 60-1932; Filed, Mar. 2, 1960; 8:47 a.m.]



# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Parts 904, 990, 996, 999, 1019 ]

[Docket Nos. AO-14-A28-R01; AO-203-A11-R01; AO-204-A10-R01; AO-302-A3; AO-305-A2]

## MILK IN GREATER BOSTON, SPRINGFIELD, AND WORCESTER, MASS.; SOUTHEASTERN NEW ENGLAND AND CONNECTICUT MARKETING AREAS

### Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held in Boston, Massachusetts, on April 14 and 15, 1959. pursuant to notice thereof issued April 1, 1959 (24 F.R. 2623) and reopened at Boston, Massachusetts, on October 19 and 20, 1959 (24 F.R. 8116). The hearing on the record of which the proposed amendments, as hereinafter set forth, to the Southeastern New England and Connecticut tentative marketing agreements and to the orders were formulated, was conducted at Boston, Massachusetts, on October 19 and 20, 1959, pursuant to notice thereof issued October 2, 1959 (24 F.R. 8116).

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Agricultural Marketing Service, on February 1, 1960 (25 F.R. 872) filed with the Hearing Clerk, United States Department of Agriculture his recommended decision containing notice of the opportunity to file written exceptions, thereto.

The material issues on the record of the hearing all relate to the pricing of Class I milk and are more specifically defined as follows:

1. Changes needed to restore the New England basic Class I price formula to full operation, and to properly relate such formula price to Class I prices in other federally regulated marketing areas and to the value of milk for manufacturing uses during the immediate months ahead or until modified through further amendatory action.

2. Order provisions needed to insure Class I prices which are properly related to Class I prices in other federally regulated marketing areas and to the value of milk for manufacturing uses during a period after that specified under Issue No. 1.

*Findings and conclusions.* The following findings and conclusions are based upon the evidence introduced at the hearing including the reopened hearing and the record thereof:

*Issue No. 1.* The Greater Boston, Springfield and Worcester, Massachu-

setts, Southeastern New England and Connecticut orders should be amended to provide for (1) updating the base period used in the Class I pricing formula, (2) revision of the weighting of the individual components of the economic index and formula, (3) revision of the supply-demand factor and (4) a provision limiting the Class I price in these markets in relation to the New York-New Jersey Class I–A price.

The Class I price in the five New England markets is determined currently by a formula method which was adopted initially as a part of the Boston order, April 1, 1948, and modified in April and September of 1952. With the advent of Federal regulation in Southeastern New England, effective January 1, 1959, and in Connecticut April 1, 1959, the present supply-demand factor which reflects the supply-demand situation in the Boston, Springfield and Worcester markets in the second and third preceding months no longer appropriately reflected the supply-demand situation in the regulated New England markets. This situation was generally recognized by the interested persons and the hearing held on April 14 and 15, 1959, was called at their request to consider changes in the supply-demand factor to appropriately reflect the situation in the five-market area. Insufficient data on the current supply and demand situation in the Southeastern New England and Connecticut markets precluded amendment of the orders at that time and on recommendation of the witnesses testifying at the hearing the supply-demand factor in each of the months subsequent to April 1959 has been determined by suspension action.

Official notice is taken of the Class I prices announced for the several New England and New York-New Jersey markets for the months of November and December 1959 and of the formula factors used in computing such prices.

In recent years the Greater Boston order Class I price has been closely related to the Class I–A price under the New York-New Jersey order. For the years 1957, 1958, and 1959, the Greater Boston Class I price averaged $5.83, $5.67 and $5.85 while the New York-New Jersey Class I–A prices averaged $5.72, $5.67 and $5.72 (all for 3.7 milk in the 21st zone). The close relationship between the Greater Boston and New York-New Jersey Class I prices is further indicated by the fact that for the ten-year period (1950–1959) the Boston price has been higher by an average of approximately four cents. The range in annual average differences has been from a Boston price exceeding New York-New Jersey by 19 cents (in 1955) to a price 12 cents below New York-New Jersey (in 1953). The Greater Boston Class I price exceeded the New York-New Jersey Class I–A price in six of the last ten years and was the same in one year (1958).

Prices in the other New England orders, except for the Southeastern New England order, are identical to those under the Boston order. The Southeastern New England Class I price is established at a level 7 cents higher than the Boston Class I price. While this hearing was called to consider, among other things, the appropriate level of Class I prices as between markets, nevertheless, the issue of appropriate relationship of Class I prices as between Boston and Southeastern New England was considered at the five-market hearing held in various New England cities from September 9 through October 8, 1959 on which a decision has not yet been issued. Accordingly, the 7-cent differential is not a consideration in this decision.

The five New England and the New York-New Jersey orders use the same basic pricing concept. However, while the New York-New Jersey order provides that the base price shall be adjusted by the U.S. wholesale price index to determine a price which is then adjusted by the supply-demand factor and seasonal factors, the New England orders provide that the base price shall be adjusted by an index consisting of three components of equal weight; i.e., the U.S. wholesale price index, the consumer income index and the grain-labor index. While the consumer income index has been more dynamic than the other two factors, resulting in a higher economic index price than the New York-New Jersey economic index price (the New York-New Jersey Class I price adjusted to remove the effect of the supply-demand and seasonal factors), the action of the supply-demand factor in response to shifting supplies between the New York-New Jersey and the New England markets has resulted in the close price relationship previously indicated.

It is appropriate that this close intermarket price relationship be continued and hence it is desirable that the economic index prices under these orders be maintained in close alignment. While this could be accomplished by use of the same index factor under the two pricing formulas; nevertheless, it must be recognized that the pricing formula under the New England orders over a long period of years has generally resulted in a price appropriately related to prices in other markets and has reflected the local supply-demand situation.

Since the New York-New Jersey and New England basic Class I prices were identical for the year 1958 on a 3.7 percent butterfat basis, it is appropriate that the components of the economic index be updated using the factors entering into the 1958 Class I prices as the base. This can be achieved by using index numbers constructed on the following basis: Wholesale price index, 119.0; New England per capita consumer income, $2,050; the New England dairy ration price per ton, $80.82, and the New England farm wage rate per month, $198.33. This updating of the components will provide an opportunity for comparison of more recent figures for these components with changes in current periods as generally recommended by witnesses appearing at the hearing and is not intended to change the level of price.

In addition, the economic index should be revised to provide that the wholesale price index be weighted by three, the New England per capita consumer income by one and the grain-labor index by three. The consumer income index is intended to reflect consumer demand and ability to purchase milk. As previously indicated, this component has been the most active in increasing the price level and experience over the years has indicated that, in fact, an increase in consumer income does not bring about a proportionate increase in fluid milk sales. Accordingly, it is appropriate that the weighting of the consumer income component be adjusted to reflect this experience. The recommended weighting retains the equal influence of the wholesale price index and the grain-labor index.

The New England basic Class I price and the New York-New Jersey Class I price can be maintained in appropriate alignment by limiting the New England economic index price (the revised New England base price of $5.67 multiplied by the economic index) to a range of plus or minus eleven cents in relation to the New York-New Jersey economic index price. This comparison can be appropriately made on the basis of the current month, notwithstanding the fact that the five New England and New York-New Jersey orders require the announcement of the Class I price on the 25th day of the preceding month. The U.S. Wholesale price index and other factors in the New York-New Jersey formula are known in sufficient time prior to the required announcement date to permit their use in determining the Class I price in the New England orders.

The margin of the New England economic index price within a range of plus or minus eleven cents of the New York-New Jersey index price assures a reasonable intermarket price relationship and provides some flexibility to permit the additional components of the New England economic index to exert their influence.

During all months of 1958–1959, the New England economic index price as thus calculated was within plus or minus 11 cents of the New York-New Jersey economic index price. However, when the New York-New Jersey economic index price was adjusted by the recommended snubber for that order, the New England economic index price was greater by more than eleven cents in all the months of February through September 1959. The snubbing action would have reduced the bracketed Class I price 22 cents only in February 1959 or two cents on an annual basis.

Relating the New York-New Jersey index price and the New England economic index price in this fashion will permit the supply-demand adjustment factor to operate freely to increase or decrease the price in response to changed supply-demand conditions in the five New England markets. The supply-demand factor is recognized as an important tool in adjusting the Class I price in response to changes in fluid sales and producer receipts in New England markets. Some month-to-month variation between New York-New Jersey and New England basic Class I prices also will occur due to differing seasonal factors but will not alter the relationship on an annual basis.

Initial regulation for the Southeastern New England marketing area on January 1, 1959, and Connecticut marketing area on April 1, 1959, caused substantial changes in supply-demand conditions as measured by the present orders' supply-demand factors. Although only minor changes occurred in regional supply-demand conditions, there were substantial changes in supply-sales relationship in the Greater Boston market with the institution of these new orders. The inclusion of data from the Southeastern New England and Connecticut markets in the computation of the supply-demand factor will provide a measure of supply-demand conditions for all New England markets. Further, this action will permit the operation of the New England basic Class I price formula thereby obviating need for further suspension of the supply-demand factor at this time.

Producer receipts and Class I sales of the new Southeastern New England and Connecticut order markets have been added to the Greater Boston, Springfield and Worcester markets, presently used, in the computation of the base Class I percentages to be used in the revised supply-demand factor herein provided. The period used in determining seasonality of producer receipts and Class I sales has been changed to the period 1953–1957 from the period of 1949–1951 as currently used. In addition, the percentages of base supply have been related to the supply-demand adjustment factors so that in general a 1.5 percent change in base supply results in a change in the factor of 1.0 percent thereby making the factor somewhat more sensitive than at present. A 1.0 percent change in the supply-demand adjustment factor would result in a change of approximately 6 cents in the unbracketed price.

In revising the supply-demand factor, daily average producer receipts for each month were computed from available data for the five markets for the period 1953–1957. These averages were used to compute an index of producer receipts for each month by the statistical median link relative method. An index of Class I sales was similarly computed. The respective monthly indexes were used to adjust the average daily producer receipts and Class I sales for each month for the year 1958. Then, the adjusted Class I sales for each month were divided by producer receipts for the same month to determine the base Class I percentages for each month. This method differs from that used to arrive at the present normal percentages in that no adjustment is made to relate the monthly percentages to an optimum utilization percentage in November.

The recommended base Class I percentages are lower than the present normal percentages under the order in the months of November through March, and higher in the months of April through October. When the revised base percentages are used in the supply-demand adjustment factor table, these lower percentages in November through March operate to change the effect of the supply-demand factor on the Class I price in the months of January through May. The higher base percentages in April through October would be reflected in the pricing months of June through December. The annual average under the present order of the Normal Class I percentages is approximately the same as those herein recommended; i.e., 67.6 as compared to 68.9.

Monthly Class I utilization percentages for the five New England markets averaged 70.5 for the period November 1958–October 1959; up from 68.6 for the comparable period in 1957–1958. Utilization percentages for every month beginning in December 1958, have exceeded the corresponding utilization percentages of the same months in the previous years. There appears to be a tightening of supplies relative to Class I demands in the most recent eleven-month period.

As was expected with the institution of regulation in Southeastern New England and Connecticut, there has been some realignment of supplies to Class I requirements in the New England markets. The supply-demand factor under the revised formula reflects this change in that the factor moved from an annual average of 1.00 in 1958 to 1.02 in 1959. It should be recognized that because of the lag (use of the second and third prior month producer receipts to Class I sales relationship) in the utilization percentages, the relationship existing in the last two months of 1959 will be reflected in the supply-demand factor used for the first three months of 1960.

Under the revised formula as herein proposed the Class I price for the 201–210-mile zone would have averaged $5.67 per hundredweight for 1958, the identical price which the present formula yielded. However, the July price would have been 22 cents higher and the December price 22 cents lower than the price actually in effect. As previously indicated, the price since April 1959 has been established through suspension action. The price in effect during 1959 averaged $5.85, eighteen cents over the 1958 price and thirteen cents over the New York-New Jersey price. The revised formula would have provided an annual level of Class I price for this year of $5.83, two cents less than the level actually in effect. Month-to-month prices would have been identical to those actually in effect except for September, which would have been 22 cents lower. The combined revised Class I formula with the tie-in provision with the New York-New Jersey Class I price as adjusted by the recommended snubber provision would have reduced the New England basic Class I price approximately four cents on an annual basis in 1959. This relatively minor change may be attributed to the fact that prices have been closely aligned among the markets.

It is concluded that the recommended changes in the pricing formula would have produced prices during the period 1958–1959 which were appropriate in relation to the local supply-demand situation, to prices which actually prevailed, and to prices prevailing in the adjacent New York-New Jersey market and that the revised formula will assure a continuing close relationship of prices between the New England markets and the New York-New Jersey market and Midwestern markets should the New York-New Jersey price be snubbed to such Midwestern prices.

Certain parties recommended in their briefs that the seasonal adjustment factor also be adjusted, contending that changes in seasonality of production and sales suggested the need for some revision in the seasonality of pricing. The record of this hearing does not provide a basis for such a change. However, if desired, consideration can be given to this matter at a subsequent amendment hearing.

*Issue No. 2.* The findings and conclusions on Issue No. 1 are concluded to be equally appropriate for Issue No. 2 and are not here repeated. However, in conformity with the Department's announcement of October 2, 1959, interested parties will be given opportunity to submit further evidence on any and all phases of Class I pricing mechanisms and the resulting level of price at a reopening of the hearing to consider these matters in all Northeastern federally regulated markets.

*Rulings on proposed findings and conclusions.* Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in each of the markets. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as,

and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

*Rulings on exceptions.* In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

*Marketing agreements and order.* Annexed hereto and made a part hereof are six documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Springfield, Massachusetts, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Worcester, Massachusetts, Mraketing Area", "Marketing Agreement Regulating the Handling of Milk in the Southeastern New England Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Connecticut Marketing Area", and "Order Amending the Orders Regulating the Handling of Milk in the Greater Boston, Springfield and Worcester, Massachusetts; Southeastern New England and Connecticut Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

*It is hereby ordered,* That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective orders as hereby proposed to be amended by the attached order which will be published with this decision.

*Determination of representative period.* The month of November 1959 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the orders regulating the handling of milk in the Greater Boston, Springfield and Worcester, Massachusetts, marketing areas, is approved or favored by producers, as defined under the terms of the respective orders as hereby proposed to be amended, and who during such representative period, were engaged in the production of milk for sale within the aforesaid respective marketing areas.

*Referendum orders; determination of representative period; and designation of referendum agent.* It is hereby directed that referenda be conducted to determine whether the issuance of the attached order amending the orders regulating the handling of milk in the Southeastern New England and Connecticut marketing areas, is approved or favored by the producers, as defined under the terms of the respective orders, as hereby proposed to be amended, and who during the representative period, were engaged in the production of milk for sale within the aforesaid respective marketing areas.

The month of November 1959 is hereby determined to be the representative period for the conduct of such referenda.

Robert W. Cherry is hereby designated agent of the Secretary to conduct such referendum in the Southeastern New England marketing area and R. D. Aplin is hereby designated agent of the Secretary to conduct such referendum in the Connecticut marketing area, both such referenda to be conducted in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders (15 F.R. 5177), such referenda to be completed on or before the 30th day from the date this decision is issued.

Issued at Washington, D.C., this 29th day of February 1960.

CLARENCE L. MILLER,
*Assistant Secretary.*

*Order[1] Amending the Orders Regulating the Handling of Milk in the Greater Boston, Springfield and Worcester, Massachusetts, Southeastern New England and Connecticut Marketing Areas*

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of previously issued amendments thereto; regulating the handling of milk in the Greater Boston, Springfield and Worcester, Massachusetts, Southeastern New England and Connecticut marketing areas and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Greater Boston, Springfield and Worcester, Massachusetts, Southeastern New England and Connecticut marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said orders as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing areas and the minimum prices specified in the respective orders as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said orders as hereby amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, marketing agreements upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Boston, Springfield and Worcester, Massachusetts; Southeastern New England and Connecticut marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as hereby amended, and the aforesaid orders are hereby amended as follows:

Amend §§ 904.48, 996.48, 999.48, 990.41 and 1019.41 of the Greater Boston, Springfield, Worcester, Southeastern New England and Connecticut orders, respectively, by deleting all of the present language thereof and substituting therefor the following:

*Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.190 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 20.50 to determine an index of per capita disposable personal income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 20 percent protein con-

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

tent as reported by the United States Department of Agriculture for the month and divide the result by .8082 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.9833 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 7 the sum of three times the wholesale price index, the index of per capita disposable income in New England, and three times the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute an economic index price as follows:

(1) Multiply the economic index by $.0567, expressing the result to the nearest mill;

(2) Divide the Class I–A price for the month determined pursuant to Federal Order No. 27 and applicable to the 201–210-mile freight zone for 3.5 percent milk by the product of the utilization adjustment percentage and the seasonal adjustment factor which entered into the computation thereof, and then add $.08, expressing the result to the nearest mill;

(3) The economic index price shall be the price computed in subparagraph (1) of this paragraph, unless the difference between the result computed in subparagraph (1) of this paragraph and the result computed in subparagraph (2) of this paragraph exceeds 11 cents. In that event, the economic index price shall be the price computed pursuant to subparagraph (1) of this paragraph minus the amount of the excess above 11 cents if the result under subparagraph (1) of this paragraph is the greater, and plus the amount of the excess above 11 cents if the result under subparagraph (2) of this paragraph is the greater.

(c) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the recepts from producers for Greater Boston, Connecticut, Southeastern New England, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the five-market total of Class I producer milk by the five-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following base Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of base supply.

| Month: | *Base Class I percentage* |
|---|---|
| January | 71.6 |
| February | 69.8 |
| March | 65.1 |
| April | 61.1 |
| May | 55.5 |
| June | 56.7 |
| July | 69.3 |
| August | 74.7 |
| September | 75.8 |
| October | 76.5 |
| November | 77.9 |
| December | 73.0 |

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket within which the percentage of base supply falls. When the percentage of base supply falls in an interval between brackets, the supply-demand adjustment factor shall be the figure shown for the next higher bracket if the factor for the previous month was based on a bracket higher than such interval, and shall be the figure for the next lower bracket if the factor for the previous month was based on a bracket lower than such interval.

| Percentage of base supply: [1] | *Supply-demand adjustment factor* |
|---|---|
| 90.5–91.5 | 1.06 |
| 92.0–93.0 | 1.05 |
| 93.5–94.5 | 1.04 |
| 95.0–96.0 | 1.03 |
| 96.5–97.5 | 1.02 |
| 98.0–99.0 | 1.01 |
| 99.5–100.5 | 1.00 |
| 101.0–102.0 | .99 |
| 102.5–103.5 | .98 |
| 104.0–105.0 | .97 |
| 105.5–106.5 | .96 |
| 107.0–108.0 | .95 |
| 108.5–109.5 | .94 |

[1] If the percentage of base supply calculated according to (4) above falls outside the extremes shown in this column, the supply-demand adjustment factor shall be determined by extending the table at the indicated rate of extension.

(d) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed.

| Month: | *Seasonal adjustment factor* |
|---|---|
| January and February | 1.04 |
| March | 1.00 |
| April | .92 |
| May and June | .88 |
| July | .96 |
| August | 1.00 |
| September | 1.04 |
| October, November and December | 1.08 |

(e) Multiply the Economic Index price determined pursuant to paragraph (b) of this section by the product of the supply-demand adjustment factor determined pursuant to paragraph (c) of this section times the seasonal adjustment factor determined pursuant to paragraph (d) of this section. The New England basic Class I price shall be the price set forth in column 3 of the following table opposite the range within which the result of this computation falls.

| Range | | New England basic Class I price |
|---|---|---|
| At least— | But less than— | |
| $4.86 [1] | $5.08 | $4.97 |
| $5.08 | 5.30 | 5.19 |
| $5.30 | 5.52 | 5.41 |
| $5.52 | 5.74 | 5.63 |
| $5.74 | 5.96 | 5.85 |
| $5.96 | 6.18 | 6.07 |
| $6.18 | 6.40 | 6.29 |
| $6.40 | 6.62 | 6.51 |
| $6.62 | 6.84 | 6.73 |
| $6.84 | [1] 7.06 | 6.95 |

[1] If the result of the computation specified in this paragraph is less than $4.86 or is $7.06 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of the preceding paragraphs of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

[F.R. Doc. 60–1956; Filed, Mar. 2, 1960; 8:49 a.m.]

# FEDERAL AVIATION AGENCY

## [ 14 CFR Part 507 ]

[Reg. Docket No. 292]

## AIRWORTHINESS DIRECTIVES

### Vickers

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring corrective action for cracks in the main undercarriage cross shaft bearing channels on Vickers Viscount 745D and 810 aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 4, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a), (14 CFR Part 507), by adding the following airworthiness directive:

VICKERS. Applies to all Viscount Model 745D and 810 aircraft.

Compliance required as indicated.

Due to cracks found in the flanges of the main undercarriage cross shaft bearing channels on the inboard and outboard sides of the rib at Station 131 on both wings, the following shall be accomplished:

(a) Aircraft which have accumulated 4,000 flights, or more, must be visually inspected, at intervals not to exceed 160 hours time in service beginning with the effective date of this AD, for cracks in the bearing channels (P/N 70103–1515ND and –1516ND for 700 Series aircraft; P/N 81003–1061ND and –1062ND for 810 Series aircraft) on the inboard side of the rib in the wheel bay area. Cracked bearing channels must be either repaired and reinforced in accordance with Vickers Mod. D. 2866, Parts (A) and (C) for Model 745D's, FG. 1513 Parts (A) and (C) for Model 810's or replaced and reinforced in accordance with Mod. D. 2866 Part (A) and FG. 1513 Part (A). Details of crack limits on repairable channels are specified in the respective Modification Leaflets.

(b) If wheel bay channels are found cracked, the corresponding channels on the outboard side of the rib in the tank bay area must be either repaired and reinforced or replaced and reinforced at the same time as the inboard components.

(c) Not later than April 1, 1961, all aircraft must incorporate reinforced inboard and outboard bearing channels at rib Station 131 on both right and left wings in accordance with Vickers Mod. Bulletin D.2866 Part (A) for Model 745D or FG. 1513 Part (A) for Model 810.

(d) The inspections in (a) are no longer required after incorporation of the reinforcements.

(Vickers-Armstrongs PTL 211 and Mod. D.2866 for 700 Series aircraft and PTL 77 and Mod. FG. 1513 for 800/810 Series aircraft cover this subject.)

Issued in Washington, D.C., on February 26, 1960.

OSCAR BAKKE,
*Director, Bureau of Flight Standards.*

[F.R. Doc. 60–1915; Filed, Mar. 2, 1960; 8:45 a.m.]

## [ 14 CFR Part 514 ]

[Reg. Docket No. 291]

## TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS PARTS, PROCESSES, AND APPLIANCES

### Aircraft Tires

Pursuant to the authority delegated to me by the Administrator (§ 405.27, 24 F.R. 2196) notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 514 of the regulations of the Administrator by adopting a new Technical Standard Order. This Technical Standard Order is needed to implement airworthiness requirements contained in Parts 3, 4b, 6, and 7 of the Civil Air Regulations. It establishes minimum performance standards covering tires, both high speed and low speed, which are to be used on civil aircraft of the United States.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section of the Federal Aviation Agency, Room B–316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 18, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further publication as a draft release.

This amendment is proposed under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (72 Stat. 752, 775; 49 U.S.C. 1354(a), 1421).

In consideration of the foregoing it is proposed to amend Part 514 as follows:

By adding the following § 514.67:

§ 514.67 Aircraft tires—TSO–C62.

(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft tires, excluding tailwheel tires, which are to be used on civil aircraft of the United States. New type and new design tires, manufactured on or after the effective date of this section, which are to be used on civil aircraft of the United States, shall meet the standards specified in Federal Aviation Agency Standard, "Aircraft Tires"[1] dated December 24, 1959.[2]

(b) *Marking.* In lieu of the marking requirements of § 514.3, aircraft tires shall be legibly and permanently marked with the following information:

(1) Name and address of the manufacturer responsible for compliance and the country of manufacture if outside the United States,

(2) The type, size, ply rating, qualification test speed if greater than 160 m.p.h. and the word "reinforced" if applicable,

(3) Serial number,

(4) Applicable Technical Standard Order (TSO) number.

[1] Copies may be obtained upon request addressed to: Aeronautical Reference Branch, Correspondence Inquiry Section, MS–126, Federal Aviation Agency, Washington 25, D.C.

[2] When tires are installed on civil aircraft, the installation must comply with the functional and installational requirements of Parts 3, 4b, 6, or 7 of the Civil Air Regulations as applicable.

(c) *Data requirements.* (1) One copy of the following data shall be furnished the Chief, Engineering and Manufacturing Division, Federal Aviation Agency, Washington 25, D.C., with the statement of conformance: tire size, static and dynamic load rating, ply rating, rated inflation pressure, outside diameter, skid depth, static unbalance, and tire weight.

(2) One copy of the manufacturer's quality control data. (Ref. Section 3.1.2 of Federal Aviation Agency Standard, "Aircraft Tires" dated December 24, 1959.)

(d) *Previously approved equipment.* Tire types of a specific design produced prior to the effective date of this section may continue to be manufactured under the provisions of their original design and test standards.

Issued in Washington, D.C., on February 26, 1960.

OSCAR BAKKE,
*Director, Bureau of Flight Standards.*

[F.R. Doc. 60–1916; Filed, Mar. 2, 1960; 8:45 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Food and Drug Administration

## [ 21 CFR Part 121 ]

## FOOD ADDITIVES

### Notice of Withdrawal of Petition

In re: Notice of withdrawal of petition for issuance of regulation establishing tolerance for residues of a lubricant mixture consisting of kerosene or mineral oil with fatty alcohols on metallic food containers:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (24 F.R. 2434), Allegheny Refining Company, Post Office Box 235, Verona, Pennsylvania, has withdrawn its petition proposing the issuance of a regulation to establish a tolerance of 5 milligrams per square foot of metallic food container, for residues of kerosene or mineral oil with fatty alcohols remaining from use of this mixture as a lubricant in the manufacturing process.

Notice of the filing of this petition was published in the FEDERAL REGISTER of January 22, 1960 (25 F.R. 556).

Dated: February 26, 1960.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F.R. Doc. 60–1949; Filed, Mar. 2, 1960; 8:48 a.m.]

# Notices

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### ALASKA

### Notice of Proposed Withdrawal and Reservation of Lands

The Federal Aviation Agency has filed an application, Serial Number J-010148 for the withdrawal of the lands described below, from all forms of appropriation.

The applicant desires the land for enlarging the area and extending the boundaries of the area applied for as published in Federal Register Doc. 55-5374 filed July 5, 1955 for air navigation purpose.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2511, Juneau, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at Cor. 9, Tract A, U.S.S. 2390; thence,
S. 1°33' E. 21.23 chs. to Cor. 4 of Lot D, Tract A, U.S.S. 2390;
Approx. N. 80°48' E. 20.3 chs. to Cor. 1 of Lot 1, U.S.S. 2901;
N. 15°07' W. 4.25 chs. to Cor. 2 of U.S.S. 2901;
N. 75°18' E. 12.494 chs. to Cor. 5 of U.S.S. 2901;
Approx. N. 21°05' E. 17.0 chs. to Cor. 6 of U.S.S. 2136;
Approx. S. 82°45' W. 38 chs. to point of beginning and containing approx. 55 acres.

WARNER T. MAY,
*Operations Supervisor.*

[F.R. Doc. 60-1925; Filed, Mar. 2, 1960; 8:46 a.m.]

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[Fairbanks Classification No. 2]

### ALASKA PUBLIC SALE ACT

### Cancellation

FEBRUARY 25, 1960.

1. Pursuant to the authority delegated to me under Section 2.5 of Order No. 541 of April 21, 1954, Bureau of Land Management, as amended, Alaska Public Sale Fairbanks Classification No. 2 of May 25, 1959, which classified the following lands for title transfer under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364a-364e) for commercial and/or housing purposes is hereby rescinded.

BIG DELTA AREA

*Parcel 1*

U.S. Survey 3292, Tract B
Lots 33 through 46.

Containing 6.27 acres.

*Parcel 2*

A portion of Lot 11, Section 23, and Lot 3, Section 26, T. 10 S., R. 10 E., F.M., being a tract of land west of the above described lots described by metes and bounds as follows:

From Corner No. 4, Lot 33, Tract B, U.S. Survey 3292; thence South approximately 1205 feet; thence East 618 feet, to Corner No. 3, Tract B, U.S. Survey 3292; thence following the western boundary of said Survey 3292 northwesterly to the point of beginning.

Containing 9.07 acres.

*Parcel 3*

Beginning at Corner No. 1 of Lot 33, Tract B, U.S. Survey 3292, which is common to Corner 2, Lot 32, Tract B, U.S. Survey 3292; thence N. 52°08' E., approximately 150 feet to the centerline of the Richardson Highway; thence southeasterly approximately 1536 feet along said centerline to a point which bears East approximately 150 feet from Corner No. 2, Tract B, U.S. Survey 3292; thence west approximately 150 feet to Corner No. 2, Tract B, U.S. Survey 3292; thence northwesterly following the easterly boundary of Tract B, U.S. Survey 3292, approximately 1536 feet to the point of beginning.

Containing approximately 5.5 acres.

The three parcels aggregating approximately 20.84 acres.

2. The above described lands lie within a withdrawal effected by Public Land Order 808 of February 27, 1952, which reserved these and other lands for townsite purposes.

3. This order will take effect immediately.

ROBERT A. SMITH,
*Acting Operations Supervisor,*
*Fairbanks.*

[F.R. Doc. 60-1926; Filed, Mar. 2, 1960; 8:46 a.m.]

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[Serial No. Idaho 07538]

### IDAHO

### Order Providing for Opening of Public Lands; Correction

FEBRUARY 24, 1960.

The Notice of Order Providing for the Opening of Public Lands to such application, selections, and locations as permitted on national forest lands, Serial Number Idaho 07538, as appearing in Volume 22, FEDERAL REGISTER No. 17, Page 505 (F.R. Doc. 57-559) on January 25, 1957, is hereby cancelled.

The lands affected are described as follows:

BOISE MERIDIAN, IDAHO

T. 6 N., R. 5 E.,
Sec. 15; SW¼.

These lands total 160 acres.

JOE T. FALLINI,
*State Supervisor.*

[F.R. Doc. 60-1927; Filed, Mar. 2, 1960; 8:46 a.m.]

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[Serial No. Idaho 08070]

### IDAHO

### Order Providing for Restoration of Public Lands; Correction

FEBRUARY 24, 1960.

The Notice of Order Providing for Restoration of Public Lands for administration as national forest land in Caribou National Forest, Serial No. Idaho 08070, as appearing in Volume 22, FEDERAL REGISTER No. 124, Page 4510 (F.R. Doc. 57-5205) on June 27, 1957, is hereby cancelled.

The following lands are affected:

BOISE MERIDIAN, IDAHO

T. 11 S., R. 35 E.,
Sec. 10; N½N½.

The area described totals 160 acres.

JOE T. FALLINI,
*State Supervisor.*

[F.R. Doc. 60-1928; Filed, Mar. 2, 1960; 8:46 a.m.]

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[Serial No. Idaho 010804]

### IDAHO

### Notice of Proposed Withdrawal and Reservation of Lands; Correction

FEBRUARY 24, 1960.

The Notice of Proposed Withdrawal and Reservation of Lands, Idaho 010804, by the U.S. Department of Agriculture dated November 27, 1959, published in the FEDERAL REGISTER December 4, 1959, Volume 24, No. 236, pages 9748-9749, is corrected in part as follows:

With reference to the Kirkman Campground Area where the land description was given as follows:

T. 14 S., R. 18 E., Boise Meridian, Idaho;
Sec. 14; NE¼SW¼.

The land description is corrected to read:

T. 14 S., R. 18 E., Boise Meridian, Idaho;
Sec. 14; NE¼NW¼.

JOE T. FALLINI,
*State Supervisor.*

[F.R. Doc. 60-1929; Filed, Mar. 2, 1960; 8:46 a.m.]

## IDAHO

### Notice of Proposed Withdrawal and Reservation of Lands

FEBRUARY 25, 1960.

The Department of Agriculture has filed an application, Serial Number Idaho 010796 for the withdrawal of the lands described below, from all forms of appropriation under the General Mining Laws, except the Mineral Leasing Laws, subject to valid existing rights. The applicant desires the land for administrative sites, recreation areas, campgrounds, and picnic areas.

For a period of thirty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

NEZPERCE NATIONAL FOREST

*Cabin Creek Camp and Picnic Area*

A strip of land 10 chains wide being 5 chains wide on each side of the thread of Cabin Creek beginning at the confluence of Cabin Creek and Fish Creek and extending 1.25 miles up Cabin Creek through the following legal subdivisions:

T. 29 N., R. 3 E.
Sec. 20; E½;
Sec. 21; N½.
Totalling 100 acres.

*Fish Creek Organization Site and Recreation Area*

T. 29 N., R. 3 E.
Sec. 21; E½E½NW¼NE¼, W½NE¼NE¼.
Totaling 30 acres

*Wild Horse Lake Campground and Recreation Area*

T. 27 N., R. 6 E.
Unsurveyed, but which will be when surveyed:
Sec. 25; NE¼NE¼NE¼.
T. 27 N., R. 7 E.
Unsurveyed, but which will be when surveyed:
Sec. 19; S½SW¼SW¼;
Sec. 30; NW¼NW¼, W½NE¼NW¼, NW¼SE¼NW¼, NE¼SW¼NW¼.
Totaling 110 acres.

*Dixie Ranger Station Administrative Site and Pasture*

T. 25 N., R. 8 E.,
Unsurveyed, but which will be when surveyed:
Sec. 7; NW¼SE¼NE¼, S½SE¼NE¼, E½SE¼, E½E½NE¼SW¼SE¼, E½SE¼SW¼SE¼;
Sec. 8; NW¼NW¼SW¼;
Sec. 18; E½NE¼NW¼NE¼, E½W½NE¼NW¼NE¼, SE¼NW¼NE¼.
Totaling 145 acres.

*Little Mallard Creek Camp and Picnic Area*

A strip of land four and one-half chains wide on the northerly side of the Salmon River contiguous to and beginning at the mean high water mark, thence extending northeasterly from a point 15 chains down river from the confluence of Little Mallard Creek and Salmon River and continuing for 40 chains upriver and located wholly within the following described subdivisions of unsurveyed land which will be when surveyed:

T. 25 N., R. 9 E.,
Sec. 1; SW¼SW¼;
Sec. 2; SE¼SE¼;
Sec. 11; NE¼NE¼;
Sec. 12; NW¼NW¼.
Totaling 18 acres.

*Gaines Bar Camp Area*

A strip of land 6 chains wide on the northerly side of the Salmon River contiguous to and beginning at the mean high water mark, thence extending northeasterly from the confluence of Rhett Creek and Salmon River upstream for 45 chains and located wholly within the following described subdivision of unsurveyed land which will be when surveyed:

T. 25 N., R. 9 E.,
Sec. 30; SE¼.
Totaling 27 acres.

*Mallard Creek Camp and Picnic Area*

T. 26 N., R. 9 E.,
Unsurveyed, but which will be when surveyed:
Sec. 23; E½E½NE¼NW¼, W½W½NW¼NE¼, NE¼NE¼SE¼NW¼, W½W½SW¼NE¼.
Totaling 32.5 acres.

*Red River Ranger Station Administrative Site and Pasture*

T. 27 N., R. 9 E.,
Unsurveyed, but which will me when surveyed:
Sec. 3; W½;
Sec. 4; E½SE¼, S½N½NE¼, S½NE¼.
T. 28 N., R. 9 E.,
Unsurveyed, but which will be when surveyed:
Sec. 34; E½SW¼.
Totaling 600 acres.

*Red River Campground*

Beginning at corner #1, which is N. 59°00' W. 14.36 chains from corner #6 of H.E.S. 736; thence S. 64°30' W. 9.09 chains to corner #2, thence N. 0°40' W. 3.92 chains to corner #3, thence S. 87°30' W. 2.45 chains to corner #4, thence S. 0°50' W. 5.12 chains to corner #5, thence S. 82°50' W. 5.01 chains to corner #6, thence S. 51°0' W. 13.47 chains to corner #7, thence S. 11°55' E. 5.21 chains to corner #8, thence S. 80°50' E. 7.39 chains to corner #9, thence N. 71°45' E. 17.29 chains to corner #10, thence N. 47°50' E. 7.14 chains to corner #11, thence N. 27°30' W. 6.98 chains to corner #12, thence S. 73°10' W. 4.17 chains to corner #13, thence N. 25°10' W. 3.97 chains to corner #14, thence N. 32°0' W. 2.33 chains to corner #1, the point of beginning and located wholly within the following described subdivision of unsurveyed land which will be when surveyed:

T. 28 N., R. 10 E.,
Sec. 19; NW¼.
Totaling 37.1 acres.

*Poet Creek Campground*

T. 28 N., R. 11 E.,
Unsurveyed, but which will be when surveyed:
Sec. 36; E½SW¼SE¼NE¼, NW¼SE¼NE¼, W½NE¼SE¼NE¼.
Totaling 20 acres.

*Lodgepole Pine Camp and Picnic Area*

T. 28 N., R. 9 E.,
Unsurveyed, but which will be when surveyed:
Sec. 34; W½NE¼NE¼, E½SE¼NW¼NE¼.
Totaling 25 acres.

ST. JOE NATIONAL FOREST

*Fernwood Experimental Plot*

T. 43 N., R. 1 W.,
Sec. 1; NE¼NE¼NW¼, N½N½SE¼NE¼NW¼.
Totaling 12.5 acres.

The areas described aggregate 1,157.1 acres.

MICHAEL T. SOLAN,
*Acting State Supervisor.*

[F.R. Doc. 60–1930; Filed, Mar. 2, 1960; 8:47 a.m.]

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[Classification No. 501]

## CALIFORNIA

### Small Tract Classification; Amendment

Effective February 23, 1960, paragraph 1 is hereby revoked and the following paragraph is substituted therefor:

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F.R. 7697), I hereby classify the following described public lands, totaling 225.01 acres in San Bernardino County, California, as suitable for disposition for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended:

SAN BERNARDINO MERIDIAN

T. 1 S., R. 7 E.,
Sec. 6, Lots 9 to 72, inclusive.

Containing 225.01 acres, subdivided into 64 small tracts, of which 47 are covered by applications from persons entitled to preference under 43 CFR 257.5(a).

ROLLA E. CHANDLER,
*Officer-in-Charge, Southern Field Group, Los Angeles, California.*

[F.R. Doc. 60–1950; Filed, Mar. 2, 1960; 8:48 a.m.]

# ATOMIC ENERGY COMMISSION

[Docket No. 50–101]

## NUCLEAR DEVELOPMENT CORPORATION OF AMERICA

### Notice of Issuance of Facility License Amendments

Please take notice that the Atomic Energy Commission has issued Amendment No. 1, set forth below, to License No. R–49. The amendment authorizes Nuclear Development Corporation of America, as requested in its application for license amendment dated February 18, 1960, to install a new heavy water-moderated, graphite and heavy water-reflected core, designated the Pawling Lattice Test Rig, in its Pawling Research Reactor located in Pawling, New York, and to conduct therein experiments at power levels up to 50 watts thermal to investigate physical properties of various lattice samples. The amendment also authorizes the receipt, possession and use of source and special nuclear material in connection with operation of

the reactor. The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the proposed operation of the reactor does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's rules of practice, (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. For further details, see (1) the application for license amendment dated February 18, 1960 submitted by Nuclear Development Corporation of America and (2) a hazards analysis of the proposed experiments prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 25th day of February 1960.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[License No. R-49; Amdt. 1]

In addition to the activities previously authorized by the Commission in License No. R-49, Nuclear Development Corporation of America is authorized to install a new heavy water moderated, graphite and heavy water reflected core, designated the Pawling Lattice Test Rig, in its Pawling Research Reactor located in Pawling, New York, and to conduct therein experiments to investigate physical properties of various lattice samples, at power levels not to exceed 50 watts (thermal), in accordance with procedures described in its application for license amendment dated February 18, and subject to the requirements contained in Paragraphs 4B. and 4C. of License No. R-49.

Pursuant to the Act and Title 10, CFR, Chapter I, Parts 40 and 70, Nuclear Development Corporation of America is hereby licensed to receive, possess, and use up to 1550 kilograms of normal uranium and 11.5 kilograms of contained uranium-235 in connection with operation of the facility.

This amendment is effective as of the date of issuance.

Date of issuance: February 25, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of Licensing and Regulation.*

[F.R. Doc. 60-1914; Filed, Mar. 2, 1960; 8:45 a.m.]



# CIVIL AERONAUTICS BOARD

[Docket 11100]

## AMERICAN INTERNATIONAL AIRWAYS

### Notice of Prehearing Conference

In the matter of the application of American International Airways for a certificate of public convenience and necessity pursuant to section 401 of the Federal Aviation Act of 1958.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on March 16, 1960, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Barron Fredricks.

Dated at Washington, D.C., February 29, 1960.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 60-1953; Filed, Mar. 2, 1960; 8:49 a.m.]

[Docket 11062]

## PURDUE AERONAUTICS CORP.

### Notice of Prehearing Conference

In the matter of the application of Purdue Aeronautics Corporation for a temporary certificate of public convenience and necessity authorizing supplemental air service to transport persons and property between points within the continental United States.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on March 15, 1960, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues N.W., Washington, D.C., before Examiner Curtis C. Henderson.

Dated at Washington, D.C., February 29, 1960.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F.R. Doc. 60-1954; Filed, Mar. 2, 1960; 8:49 a.m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13417]

## ALF FORDE

### Order To Show Cause

In the matter of Alf Forde, 846 Warren Avenue, Ketchikan, Alaska, Docket No. 13417; order to show cause why there should not be revoked the license for radio station WA4126 aboard the vessel "Delight".

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation was mailed to the Licensee on August 28, 1959, alleging that the following violations were found to exist with resepct to the subject radio station on August 14, 1959;

(1) Frequency measurements were not recorded in violation of § 8.109(e) of the Commission's rules:

(2) No adequate radio log was maintained in violation of § 8.368 of the Commission's rules; and

(3) No licensed operator was provided in violation of § 8.151(a) of the Commission's rules.

It further appearing that the above-named licensee received said official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated October 15, 1959, and sent by Certified Mail—Return Receipt Requested (No. 96419), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Mrs. Alf Forde, on October 20, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

*It is ordered,* This 25th day of February 1960, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1]

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such

to be held at a time and place to be specified by subsequent order; and

*It is further ordered,* That the Secretary send a copy of this Order by Certified Mail—Return Receipt Requested to the said licensee.

Released: February 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1958; Filed, Mar. 2, 1960; 8:50 a.m.]

[Docket No. 13308 etc., FCC 60M-370]

## BELOIT BROADCASTERS, INC. (WBEL) ET AL.

### Order Continuing Hearing

In re applications of Beloit Broadcasters, Incorporated (WBEL), South Beloit, Illinois, Docket No. 13308, File No. BP-12101; Samuel A. Burk and Ralph J. Bitzer, d/b as Washington County Broadcasting Company, Washington, Iowa, Docket No. 13309, File No. BP-12118; Lloyd C. McKenney, tr/as Iola Broadcasting Company, Iola, Kansas, Docket No. 13311, File No. BP-12785; Heart of America Broadcasters, Inc. (KUDL), Kansas City Missouri, Docket No. 13312, File No. BP-12879; Washington Home and Farm Radio, Inc., Washington, Iowa, Docket No. 13314, File No. BP-13159; for construction permits.

The Hearing Examiner having under consideration an alteration of the date for commencement of hearing;

It appearing that a prehearing conference was held on February 25, 1960, at which a schedule of procedure was discussed and agreed upon and that the date of March 7 which is currently set for commencement of hearing must be changed owing to conflicts; and

It further appearing that lay testimony of two of the applications can be taken independently of general engineering testimony;

*It is ordered,* This 25th day of February 1960, that the hearing date of March 7, 1960, is cancelled and that the hearing on the lay issues will commence on May 5, 1960.

Released: February 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1959; Filed, Mar. 2, 1960; 8:50 a.m.]

statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

[Docket No. 12068 etc.; FCC 60M-380]

## FLORENCE BROADCASTING CO., INC., ET AL.

### Order Scheduling Hearing

In re applications of Florence Broadcasting Company, Inc., Brownsville, Tennessee, Docket No. 12068, File No. BP-10850; Mt. Vernon Radio and Television Company (WMIX), Mt. Vernon, Illinois, Docket No. 13226, File No. BP-11829; Robin H. Mathis, Ralph C. Mathis, Rad W. Mathis & John B. Skelton, Jr., d/b as WCPC Broadcasting Company (WCPC), Houston, Mississippi, Docket No. 13235, File No. BP-12420; Clarence C. Moore, tr/as Fort Wayne Broadcasting Company, Fort Wayne, Indiana, Docket No. 13249, File No. BP-13120; et al. Docket Nos. 13222, 13223, 13224, 13225, 13227, 13228, 13229, 13230, 13231, 13232, 13233, 13234, 13236, 13237, 13238, 13239, 13240, 13241, 13242, 13243, 13244 13245, 13246, 13247, 13248, 13250, 13251; for construction permits.

Pursuant to agreement at a session of the prehearing conference held for Group 1 in the above-entitled proceeding on this date: *It is ordered,* This 25th day of February 1960, that the hearing with respect to Group 1 will commence on May 2, 1960, at 10 o'clock a.m., in Washington, D.C.

Released: February 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1960; Filed, Mar. 2, 1960; 8:50 a.m.]

[Docket No. 13090 etc.; FCC 60M-381]

## FREDERICKSBURG BROADCASTING CORP. (WFVA) ET AL.

### Order Scheduling Hearing

In re applications of Fredericksburg Broadcasting Corporation (WFVA), Fredericksburg, Virginia, Docket No. 13090, File No. BP-11550; et al., Docket Nos. 13091, 13092, 13093, 13094, 13095, 13096, 13097, 13098, 13099, 13100, 13101, 13102, 13103, 13104, 13105, 13106, 13107, 13108, 13109, 13110, 13111, 13112, 13113, 13114, 13115, 13116, 13118, 13120, 13121, 13122, 13123, 13125, 13126, 13127, 13129, 13130, 13131, 13132, 13133, 13134, 13135, 13136, 13137, 13138, 13139, 13140, 13141, 13142, 13143, 13144, 13145, 13146, 13147, 13327; for construction permits.

As a result of agreements reached at a hearing session of Group 2 in the above-entitled matter held this day,

*It is ordered,* This 26th day of February 1960, that all further exhibits of any nature whatsoever to be exchanged among the parties in Group 2 shall be exchanged on or before March 25, 1960, and

*It is further ordered,* That notification of the identities of witnesses required for the further hearing shall be made on or before April 1, 1960, and

*It is further ordered,* That further hearing in Group 2 of this proceeding shall commence at 10:00 a.m., April 11, 1960, in the Commission's offices in Washington, D.C.

Released: February 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1961; Filed, Mar. 2, 1960; 8:50 a.m.]

[Docket No. 13386; FCC 60M-372]

## GENERAL TELEPHONE COMPANY OF THE NORTHWEST

### Order for Prehearing Conference

In the matter of General Telephone Company of the Northwest, Docket No. 13386; regulations and charges for supplemental equipment in connection with pulse data-in (slowed down video) transmission.

A prehearing conference in the above-entitled proceeding will be held on Thursday, March 10, 1960, beginning at 10:00 a.m. in the offices of the Commission, Washington, D.C. This conference is called pursuant to the provisions of § 1.111 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

*It is so ordered,* This the 25th day of February 1960.

Released: February 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1962; Filed, Mar. 2, 1960; 8:50 a.m.]

[Docket Nos. 13328, 13329; FCC 60M-376]

## JEFFERSON COUNTY BROADCASTING CO. AND RALPH J. SILKWOOD

### Order Continuing Hearing

In re applications of Howard W. Turner, Louis G. Kinkade and William C. Robinson, d/b as Jefferson County Broadcasting Co., Madras, Oregon, Docket No. 13328, File No. BP-12223; Ralph J. Silkwood, Klamath Falls, Oregon, Docket No. 13329, File No. BP-12656; for construction permits.

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which is scheduled for hearing on March 16, 1960; and

It appearing that the designated hearing date is unavailable because this Hearing Examiner will be then presiding in another proceeding as ordered on January 11, 1960, in Docket No. 12194; and

It further appearing from informal statements of local counsel for one applicant that the parties may achieve agreements to submit all evidence in writing at a future hearing date, and that it will conduce to the orderly dispatch of the Commission's business to postpone the commencement of the hearing until a realistically ascertainable date for hearing progress may be fixed;

*Now therefore, it is ordered,* This 25th day of February 1960, that the hearing in

this proceeding now scheduled to be commenced on March 16, 1960, is continued to a date to be fixed by subsequent order.

Released: February 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1963; Filed, Mar. 2, 1960; 8:50 a.m.]

[Docket No. 13411; FCC 60M-374]

## KERSEY TAXI, INC.

### Order Scheduling Hearing

In the matter of Kersey Taxi, Inc., 916 Eldridge Street, Clearwater, Florida, Docket No. 13411; Order to show cause why there should not be revoked the license for taxicab radio station KIB-654.

*It is ordered,* This 26th day of February 1960, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 4, 1960, in Washington, D.C.

Released: February 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1964; Filed, Mar. 2, 1960; 8:50 a.m.]

[Docket No. 13395; FCC 60M-378]

## MICRORELAY OF NEW MEXICO., INC.

### Order Continuing Hearing

In re applications of Micorelay of New Mexico, Inc., Roswell, New Mexico, Docket No. 13395; for construction permit for new video radio station near Corona, New Mexico, File No. 664-C1-P-60, Station KLN76; for construction permit for new video radio station at Boy Scout Mountain, New Mexico, File No. 665-C1-P-60, Station KLN77.

Because of the proposed filing of pleadings to be decided by the Commission: *It is ordered,* This 26th day of February 1960, that the hearing now scheduled for March 18, 1960, is continued to a date to be set by subsequent order.

Released: February 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1965; Filed, Mar. 2, 1960; 8:50 a.m.]

[Docket No. 13412]

## JOHN F. REDFIELD

### Order To Show Cause

In the matter of John F. Redfield, 8219 Eugene Circle, El Paso, Texas, Docket No. 13412; Order to show cause why there should not be revoked the license for citizens radio station 10W0973.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned radio station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notices of violation of the Commission's rules were served upon the above-named licensee as follows:

(1) Official Notice of Violation, mailed by the Commission's Office at Allegan, Michigan, on October 26, 1959, alleging that on October 11, 1959, the subject radio station was observed in violation of § 19.1 of the Commission's rules in that the station was being operated for purposes other than private short-distance communication.

(2) Official Notice of Violation mailed by the Commission's Office at Powder Springs, Georgia, on November 9, 1959, alleging that on October 24, 1959, the subject radio station was observed in violation of §§ 19.1 and 19.61 in that the licensee was engaging in a type of long distance communication not intended by the Commission's rules Governing the Citizens Radio Service; and violation of § 19.33—operation on measured frequencies beyond the allowable tolerance for class D Citizens radio stations.

It further appearing that the above-named licensee received both of the foregoing Official Notices, but did not make a satisfactory reply thereto, whereupon the Commission's Allegan, Michigan Office, by letter dated November 24, 1959, sent by Certified Mail, Return Receipt Requested (No. 345783), and the Commission's Powder Springs, Georgia Office by letter dated December 4, 1959, sent by Certified Mail, Return Receipt Requested (No. 67120) brought these matters to the attention of the licensee and requested that such licensee respond to the Commission's letters within fifteen days from the date of their receipt, stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letters might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter of November 24, 1959, was acknowledged by the signature of the licensee's agent, Mary Pimentel, on November 27, 1959, to a Post Office Department return receipt; and that the receipt of the Commission's letter of December 4, 1959, was acknowledged by the signature of the licensee's agent, Mrs. John F. Redfield, on December 7, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of each of the above-described Commission letters, no response was made to either of them; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

*It is ordered,* This 25th day of February 1960, pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b)(8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held at a time and place to be specified by subsequent order; and

*It is further ordered,* That the Secretary send a copy of this Order by Certified Mail, Return Receipt Requested, to the said licensee.

Released: February 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1966; Filed, Mar. 2, 1960; 8:50 a.m.]

[Docket No. 13180; FCC 60M-365]

## RODNEY F. JOHNSON

### Order Scheduling Hearing

In re application of Rodney F. Johnson (KWJJ) Portland, Oregon, Docket No. 13180, File No. BP-12056; for construction permit.

As a result of agreements reached at a hearing session in the above-entitled matter held this day,

*It is ordered,* This 25th day of February 1960, that engineering data requested by Broadcast Bureau from the applicant shall be exchanged on or before March 18, 1960, and

*It is further ordered,* That further hearing in this proceeding will com-

[1] Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

mence at 10:00 a.m., April 1, 1960, in the Commission's offices in Washington, D.C.

Released: February 26, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1967; Filed, Mar. 2, 1960; 8:51 a.m.]

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[Docket Nos. 13415, 13416; FCC 60-180]

## TBC, INC. AND BAY VIDEO, INC.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of TBC, Inc., Panama City, Florida, Docket No. 13415, File No. BPCT-2615; Bay Video, Inc., Panama City, Florida, Docket No. 13416, File No. BPCT-2635, for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of February 1960;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 13, assigned to Panama City, Florida; and

It appearing that the applications of TBC, Inc., and Bay Video, Inc., are mutually exclusive in that operation by both applicants as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, TBC, Inc., and Bay Video, Inc., were advised by letters that their applications were mutually exclusive, of the necessity for a hearing and were advised of all objections to their applications and were given an opportunity to reply; and

It further appearing that the Commission indicated in the above-mentioned letter to TBC, Inc. that it could not, on the basis of TBC Inc.'s, proposal, determine without a hearing that TBC, Inc., was financially qualified to construct and operate the proposed station; and

It further appearing that TBC, Inc., amended its application by submitting copies of bank agreements extending credit to certain stockholders, stockholders' agreements to loan WTVY, Inc., funds, and the agreement of WTVY, Inc., to loan funds to TBC, Inc.;

It further appearing that the Commission indicated in the above-mentioned letter to Bay Video, Inc., that it could not, on the basis of Bay Video, Inc.'s proposal, determine without a hearing that Bay Video, Inc., was financially qualified to construct and operate the proposed station; and

It further appearing that Bay Video, Inc., amended its application by submitting balance sheets, by supplying a copy of an agreement with Sarkes Tarzian, Inc., indicating that deferred credit is available, and by showing that it has obtained a commitment for a $75,000 line of credit from a bank; and

It further appearing that WTVY, Inc., the sole stockholder of TBC, Inc., is the licensee of WTVY(TV), Dothan, Alabama, and, in the event the subject application were granted, the Grade A field intensity contour of the proposed station would overlap the existing Grade A field intensity contour of Station WTVY(TV); that there is also on file with the Commission an application for a construction permit (BPCT-2595) by WTVY, Inc., in Dothan proposing increased height and power, which, should it be granted, would increase such overlap considerably; and

It further appearing that upon due consideration of the above-captioned application, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is required; that TBC, Inc., is legally, financially, and technically qualified to construct, own and operate the proposed television broadcast station, and is otherwise qualified except as to issue "1" below; and that Bay Video, Inc., is legally, financially, technically, and otherwise qualified to construct, own and operate the proposed television broadcast station;

*It is ordered,* That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned applications of TBC, Inc., and Bay Video, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether a grant of the application of TBC, Inc., would be consistent with the provisions of § 3.636 (a)(1) of the Commission's rules and regulations, in view of the substantial overlap of the area to be served by the proposed station of TBC, Inc., with the area served by Television Station WTVY (TV), Dothan, Alabama.

(2) To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in light of the significant differences between the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television broadcast station.

c. The programming service proposed in each of the above-captioned applications.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

*It is further ordered,* That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

*It is further ordered,* That to avail themselves of the opportunity to be heard, TBC, Inc., and Bay Video, Inc., pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1968; Filed, Mar. 2, 1960; 8:51 a.m.]

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[Docket No. 13414; FCC 60-179]

## WDUL TELEVISION CORP. (WHYZ-TV)

### Order Designating Application for Hearing on Stated Issues

In re application of WDUL Television Corp. (WHYZ-TV), Duluth, Minnesota, Docket No. 13414, File No. BMPCT-5375; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of February 1960;

The Commission having under consideration the above-captioned application of WDUL Television Corporation for modification of construction permit to change location of its transmitter, main studio, to change antenna system and to increase the antenna height above average terrain; and

It appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-named applicant was advised by letter that the Commission was unable to determine that a grant of the application without hearing would serve the public interest, convenience and necessity, and of the reasons therefor, and was given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned application, and the reply to the Commission's letter, no facts or arguments have been submitted which would warrant grant of the application without hearing; that the Commission is unable to find that the public interest convenience and necessity would be served by a grant of the above-captioned ap-

[1] Commissioner Bartley concurring but would include a multiple ownership issue as to both applicants. Commissioner Lee dissenting in part and concurring in part and stating: "I agree generally with the adoption of this order, but I dissent from the inclusion of the duopoly issue. Because of the state of the art and our Rules on the prediction of coverage, I would not include Issue 1 as a disqualifying issue. I would, however, allow the parties to submit evidence as to coverage and overlap under the general comparative issues."

plication; that, therefore, pursuant to section 309(b) of the Communications Act of 1934, as amended, a hearing is necessary; and that the Commission finds that WDUL Television Corporation is legally, financially and technically qualified to construct own and operate Television Broadcast Station WHYZ-TV as proposed, but that substantial questions are raised as to the applicant's other qualifications;

*It is ordered,* That pursuant to section 309(b) of the Communications Act of 1934, as amended, the above-captioned application of WDUL Television Corporation is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the nature and extent of the construction by WDUL Television Corporation of Station WHYZ-TV, as proposed in the above-captioned application, and whether and to what extent the Commission is prohibited from licensing such construction by the provision of section 319(a) of the Communications Act of 1934, as amended.

2. To determine, in the light of all the facts and circumstances surrounding the filing of the above-captioned application, whether the controlling stockholders of WDUL Television Corporation, in filing such application are seeking a modified construction permit for the purpose of disposing of said permit to Ashley L. Robison for a profit, rather than for the purpose of constructing and operating a television broadcast station.

3. To determine whether there have been misrepresentations in connection with the filing of the subject application, and, if so, to determine whether such misrepresentations were willful.

4. To determine, in the light of all of the facts and circumstances concerning the relationship and contractural arrangements between WDUL Television Corporation and Ashley L. Robison, and the activities of Ashley L. Robison in connection with the proposed station, whether there has been, in fact an unauthorized transfer of control.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the above-captioned application would serve the public interest, convenience and necessity.

*It is further ordered,* That to avail itself of the opportunity to be heard, WDUL Television Corporation, pursuant to § 1.140(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1969; Filed, Mar. 2, 1960; 8:51 a.m.]

[Docket Nos. 13397-13407; FCC 60M-379]

## YORK COUNTY BROADCASTING CO. (WRHI) ET AL.

### Notice of Conference

In re applications of James S. Beaty, Jr., William C. Beaty and Harper S. Gault, d/b as York County Broadcasting Company (WRHI), Rock Hill, South Carolina, Docket No. 13397, File No. BP-12178; WOOW, Inc. (WOOW), Greenville, North Carolina, Docket No. 13398, File No. BP-12217; WDSR, Inc. (WDSR), Lake City, Florida, Docket No. 13399, File No. BP-12219; Duane F. McConnell, Clermont, Florida, Docket No. 13400, File No. BP-12227; Radio Sumter, Inc. (WSSC), Sumter, South Carolina, Docket No. 13401, File No. BP-12270; Daytona Beach Broadcasting Corporation (WTOD), Daytona Beach, Florida, Docket No. 13402, File No. BP-12626; Robeson Broadcasting Corporation (WTSB), Lumberton, North Carolina, Docket No. 13403, File No. BP-12789; Oxford Broadcasting Corporation (WOXF), Oxford, North Carolina, Docket No. 13404, File No. BP-12948; New Hanover Broadcasting Company (WGNI), Wilmington, North Carolina, Docket No. 13405, File No. BP-13016; John P. Rabb (WJRI), Lenoir, North Carolina, Docket No. 13406, File No. BP-13108; Clearwater Radio, Inc. (WTAN), Clearwater, Florida, Docket No. 13407, File No. BP-13148; for construction permits.

Notice is hereby given that a prehearing conference in the above-entitled proceeding will be held at 10:00 a.m. on Thursday, March 31, 1960, in Washington, D.C.

Dated: February 26, 1960.

Released: February 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1970; Filed, Mar. 2, 1960; 8:51 a.m.]

[Canadian List 143]

## CANADIAN BROADCAST STATIONS

### List of Changes, Proposed Changes and Corrections in Assignments

FEBRUARY 8, 1960.

Notification under the provisions of part III section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph No. 4721-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting.

| Call Letters | Location | Power kw | Antenna | Schedule | Class | Expected date of commencement of operation |
|---|---|---|---|---|---|---|
| | | *570 kilocycles* | | | | |
| New (location: 61°15'30" N. lat. 94°02'00" W. long.). | Maguse River, N.W.T. | 1 kw | ND | U | III | EIO 2-1-61. |
| | | *610 kilocycles* | | | | |
| CKTB (PO: 610 kc 5 kw DA-1 III). | St. Catharines, Ontario | 10 kw D/5 kw N | DA-1 | U | III | EIO 2-1-61. |
| | | *800 kilocycles* | | | | |
| *CJLX* | Fort William, Ontario | 5 kw | DA-1 | U | II | Assignment of call letters. |
| | | *1130 kilocycles* | | | | |
| CKWX | Vancouver, British Columbia. | 50 kw | DA-N | U | I-B | Now in operation with DA-N mode of operation. |
| | | *1280 kilocycles.* | | | | |
| *CHIQ* | Hamilton, Ontario | 5 kw D/2.5 kw N. | DA-1 | U | III | Assignment of call letters and change from DA-2 mode of operation. |
| | | *1350 kilocycles* | | | | |
| *CJLM* | Joliette, Province of Quebec. | 1 kw | DA-1 | U | III | Assignment of call letters. |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1972; Filed, Mar. 2, 1960; 8:51 a.m.]

[Docket Nos. 13262, 13263; FCC 60M-383]

## JAMES J. WILLIAMS AND CHARLES E. SPRINGER

### Order Continuing Hearing

In re applications of James J. Williams, Williamsburg, Virginia, Docket No. 13262, File No. BP-11148; Charles E. Springer, Highland Springs, Virginia, Docket No. 13263, File No. BP-13122; for construction permits.

The Hearing Examiner having under consideration oral request of the Chief of the Commission's Broadcast Bureau for continuance of hearing due to delayed receipt of hearing exhibits;

It appearing that counsel for all other parties to the proceeding have informally consented to immediate consideration and grant of the request;

*It is ordered,* This 26th day of February 1960, that the above request is granted; and the hearing now scheduled for February 29, 1960 is continued to March 8, 1960, at 10:00 a.m.

Released: February 29, 1960.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F.R. Doc. 60-1971; Filed, Mar. 2, 1960; 8:51 a.m.]

# FEDERAL POWER COMMISSION

[Docket No. G-18870]

## CITIES SERVICE GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 25, 1960.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation with a principal office in Oklahoma City, Oklahoma, filed an application on June 29, 1959, in Docket No. G-18870, as supplemented on August 27, 1959, and September 8, 1959, pursuant to section 7 of the Natural Gas Act, for: (1) Certificate authorization to construct and operate certain natural gas transmission facilities to replace facilities in order to enable it to provide assurance of continuous service to Gas Service Company for distribution in the towns of Bartlesville and Dewey, Oklahoma, and (2) authority to abandon by transfer to Gas Service other contiguous facilities in the same area, subject to the jurisdiction of the Commission, and as more fully described in the application on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following facilities:

(1) 3.5 miles of 10-inch pipeline to replace in the same location an equal length of an existing 6-inch lateral pipeline. This is part of the lateral which extends 6.77 miles westerly from a connection on Applicant's Tallant-Grabham 16 and 18-inch main pipeline system to the town of Bartlesville, Oklahoma.

(2) A metering station and miscellaneous appurtenant equipment at the western terminus of the proposed 10-inch line described above, which will form a new interconnection with Gas Service Company, to replace existing meter stations that are to be transferred to Gas Service, as proposed herein.

Applicant also proposes to:

(1) Abandon by transfer to Gas Service the remaining 0.20 mile of the 6-inch and 3.07 miles of the 8-inch Bartlesville lateral and existing meter station.

(2) Abandon by transfer to Gas Service an additional 0.63 mile of 6-inch and 2.65 miles of 4-inch lateral pipeline and existing meter station. This lateral extends from the afore-mentioned Bartlesville lateral, at a point 3.99 miles west of the Tallant-Grabham main line, northerly to Dewey, Oklahoma.

The application recites actual 1958-1959 peak day sales in Bartlesville and Dewey were 20,085 Mcf and replacement of the 6-inch line with 10-inch, as proposed, will enable Applicant to serve the estimated 1959-1960 peak day demand of 21,590 Mcf at reasonable pressures. The 6-inch line is old and has been in service since 1910.

Applicant states the facilities herein proposed to be abandoned by transfer to the Gas Service Company without charge are located in heavily congested residential areas of Bartlesville and Dewey, where Applicant has been requested to make numerous additional delivery connections. Applicant will avoid the expense of constructing and operating additional metering facilities in each of the towns by transferring the facilities to Gas Service. The facilities so transferred can be used as an integral part of the Gas Service Company's distribution system. The proposed new metering station will enable Applicant to make a single delivery to meet Gas Service Company's requirements for the two communities at a single point outside of both town limits. At present, deliveries are made through separate stations within each town.

Cities Service estimates that the total cost of construction of the proposed facilities is $78,300 and estimates that the cost of reclaiming the 3.5 miles of 6-inch line is $8,800, for a combined total of $87,100. The construction will be financed from funds on hand. Salvage value of the facilities to be retired is estimated to be $7,500.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 30, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 18, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 60-1918; Filed, Mar. 2, 1960; 8:45 a.m.]

[Project 2217]

## PACIFIC POWER & LIGHT CO.

### Notice of Application for License

FEBRUARY 25, 1960.

Public notice is hereby given that on January 29, 1960, an application was filed under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Power & Light Company, of Portland, Oregon, for license for proposed water-power Project No. 2217, known as Eden Ridge Hydroelectric Project, to be located on the South Fork of Coquille River in the region of the villages of Coos Bay, Myrtle Point, and Powers in Coos County, Oregon, affecting lands of the United States within Siskiyou National Forest. The proposed project is described in the application as follows: The Eden Ridge Dam, consisting of an earth-fill dam about 210 feet high with crest at elevation 2,350 feet creating a reservoir with usable storage of 110,000 acre-feet and extending about 6.0 miles upstream; and the Lockhart Dam, a 125-foot high earth-fill dam to be constructed about 2½ miles downstream from Eden Ridge Dam site with crest at elevation 2,160 feet creating a reservoir with usable storage of 2,600 acre-feet; a power tunnel about 12,000 feet long with intakes located in both Eden Ridge and Lockhart Reservoirs; a steel penstock about 3,140 feet long; Eden Ridge powerhouse containing one 124,000 horsepower turbine direct connected to a 77,000 kilowatt generator; transmission line facilities; and appurtenant hydraulic, electrical and mechanical equipment.

A preliminary permit for the proposed project was issued to Pacific Power & Light Company, effective February 1, 1957, and expired January 31, 1960.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is April 4, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 60-1919; Filed, Mar. 2, 1960; 8:45 a.m.]

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[Docket No. G-20581]

## TRUNKLINE GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 25, 1960.

Take notice that Trunkline Gas Company (Applicant), a Delaware corporation with a principal office in Houston, Texas, filed an application in Docket No. G-20581 on December 24, 1959, for a certificate of public convenience and necessity requesting authorization for the transportation of natural gas in interstate commerce, subject to the jurisdiction of the Commission, to the City of McLeansboro, Illinois (City), for use by the City in its municipal electric plant. The proposed delivery would be a direct

sale by Trunkline on an interruptible basis, all as more fully described in an application on file with the Commission, and open to public inspection.

Applicant states the City proposes to use the natural gas purchased from Trunkline as boiler fuel to drive its 750 KW turbine in the generation of electricity to supply its citizens, who are dependent entirely on the City for electric service. The present fuel used by the City in its power plant is fuel oil. The City maintains that it will achieve substantial savings by the use of natural gas. It proposes to use oil as standby. Applicant states the City now buys gas from Trunkline for resale. Its purchase of gas for the power plant will be in addition to its purchases for resale.

Applicant states that it has adequate supplies of gas to furnish the service required by the City of McLeansboro, estimating that the average annual deliveries to the power plant will be 36,500 Mcf and the maximum daily delivery to the power plant will be 1,000 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 29, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 18, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 60-1920; Filed, Mar. 2, 1960; 8:45 a.m.]

[Docket No. CP60-12]

## CITIES SERVICE GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 26, 1960.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation with a principal office in Oklahoma City, Oklahoma, filed an application in Docket No. CP60-12 on January 18, 1960, and a supplement thereto on February 9, 1960, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of meter and regulator facilities and a proposed tap on its existing 16-inch pipeline in Creek County, Oklahoma, to enable Applicant to sell and deliver natural gas to Mannford Gas Authority for resale in the Town of Mannford, subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission and open to public inspection.

The total estimated cost of Applicant's proposed facilities is $4,790, which will be paid from treasury cash. The company will be reimbursed for such cost by the Mannford Gas Authority.

The application recites the Authority proposes to construct and operate approximately 6 miles of 4½-inch transmission line from Applicant's proposed tap to the Town of Mannford. The estimated cost of construction of this line is $80,000, financed by issuing $80,000 in bonds with a thirty-year maturity and an interest rate of 3½ percent, which have already been sold and the Authority's line is almost complete.

The application further recites the Town of Mannford will soon be moved to a new location (about two miles southeast of its present location) because of the Keystone Reservoir project to be constructed by the Federal Government. Mannford Gas Authority's proposed line will be constructed to the new location of the town. The town in its present location has received gas service from local production which is practically depleted.

Based on the Town's experience, Cities Service estimates the annual and peak day requirements of the town as follows:

| | Volumes—Mcf at 14.73 psia | | |
|---|---|---|---|
| | 1st year | 2d year | 3d year |
| Annual requirements | 27,063 | 32,164 | 35,009 |
| Peak day requirements | 350 | 379 | 410 |

The town's new distribution system in its new location will be paid for by the U.S. Government.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 5, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1 10) on or before March 25, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 60-1943; Filed, Mar. 2, 1960; 8:48 a.m.]

[Docket No. G-20501]

## CITIES SERVICE GAS CO.

### Notice of Application and Date of Hearing

FEBRUARY 26, 1960.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation with a principal office in Oklahoma City, Oklahoma, filed an application for a certificate of public convenience and necessity on December 21, 1959, pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate meter and regulator facilities and a proposed tap on its existing 26-inch pipeline in Lyon County, Kansas, to enable Applicant to sell and deliver natural gas to the City of Reading, Kansas, for resale and distribution in Reading.

The City will build approximately 1420 feet of 2-inch transmission line from the Cities Service meter to the City of Reading. The City will operate its line and also construct and operate a distribution system in the town.

The foregoing is more fully described in an application on file with the Commission and open to public inspection.

The application recites the proposed additional metering and regulating facilities are estimated to cost $4,290, which will be paid out of Applicant's treasury cash. Reading will reimburse Applicant for this cost.

Based on a field survey, Reading's estimated annual and peak day gas requirements are as follows:

| | Volumes—Mcf at 14.73 psia | | |
|---|---|---|---|
| | 1st year | 2d year | 3d year |
| Annual requirements | 12,129 | 13,416 | 14,700 |
| Peak day requirements | 137 | 151 | 166 |

The gas will be used for domestic and commercial purposes.

The estimated cost of construction of Reading's entire project is $40,059, including fees and contingencies. Reading proposes to finance its project by issuing $40,000 in municipal gas system revenue bonds, which will have a 20-year maturity with an estimated interest rate of 5 percent. Reading's entire indebtedness in this project will be paid from gas sales revenues.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 30, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 20, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 60-1944; Filed, Mar. 2, 1960; 8:48 a.m.]

[Project No. 2056]

## NORTHERN STATES POWER CO.

### Notice of Application for Amendment of License

FEBRUARY 26, 1960.

Public notice is hereby given that on February 8, 1960, application was filed under the Federal Power Act (16 U.S.C. 791a–825r) by Northern States Power Company, of Minneapolis, Minnesota, licensee for Project No. 2056 located on the Mississippi River, a navigable waterway of the United States, at Upper and Lower St. Anthony Falls in Minneapolis, Hennepin County, Minnesota, for amendment of its license for the project so as to:

(1) Eliminate certain project works from the license comprised of abandonment of the Consolidated Hydro Plant and all associated facilities, Section 1 of the Upper Dam, and eliminate certain islands and lands from the project area; (2) authorize construction of a new stilling basin for Wasteway No. 2; and (3) delete or amend certain articles of the license which will be affected by the amendment. Abandonment of the Consolidated plant is proposed in that the plant is obsolete and uneconomical to operate and Section 1 of the Upper Dam and certain islands and lands included in the project have been or will be conveyed to the United States and are necessary for construction of the proposed navigation lock at Upper St. Anthony Falls.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is April 8, 1960. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 60-1945; Filed, Mar. 2, 1960; 8:48 a.m.]

[Docket No. G-13369 etc.]

## SCHERMERHORN OIL CORP. ET AL.

### Notice of Application and Date of Hearing

FEBRUARY 24, 1960.

In the matter of Schermerhorn Oil Corporation et al.,[1] Docket No. G-13369; Paul Shaffer, Operator,[2] Docket No. G-13890; Jones, Shelburne & Pellow Oil Company, Docket No. G-14435; Estate of Lyda Bunker Hunt, Deceased,[3] Docket No. G-14451; G. B. Howell Gas Company,[4] Docket No. G-14452; Westhoma Oil Company, Docket No. G-14457; Harper Oil Company,[5] Docket No. G-14462; The Ard Drilling Company, Operator and Agent, et al.,[6] Docket No. G-14475; Ross Oil & Gas Company,[7] Docket No. G-14481; J. K. Knight Oil & Gas Company,[8] Docket No. G-14483; Gulf Oil Corporation, Docket No. G-14485; Charles J. Richard, Operator, et al.,[9] Docket No. G-14507; A. G. Oliphant, Operator,[10] Docket No. G-14508; Josaline Production Company,[11] Docket No. G-14512; Oil Drilling, Inc., et al.,[12] Docket No. G-14516; Jake L. Hamon, Operator, et al.,[13] Docket No. G-14535; Jake L. Hamon, Operator, et al.,[14] Docket No. G-14536; Richard M. Finder d/b/a Texkan Oil Company, Operator,[15] Docket No. G-14537; William K. Davis, et al.,[16] Docket No. G-14542; Godfrey L. Cabot, Inc., Docket No. G-14546; Benedum-Trees Oil Company, et al.,[17] Docket No. G-14582; Carnes W. Weaver, Docket No. G-14589; Sam Trant, Operator, et al.,[18] Docket No. G-14593; International Oil Corporation,[19] Docket No. G-14594; Plains Exploration Company, Operator, et al.,[20] Docket No. G-14596; Sinclair Oil & Gas Company, Docket No. G-14597; Trice Production Company, Operator, et al.,[21] Docket No. G-14609; Texas Gulf Producing Company, Docket No. G-14610; John F. Merrick, Operator, et al.,[22] Docket No. G-14611; Southwest Natural Production Company, Operator, et al.,[23] Docket No. G-14612; The Ohio Oil Company, Docket No. G-14613; S. H. Killingsworth, Operator and Agent, et al.,[24] Docket No. G-14633; Kenneth J. Rich, Operator, et al.,[25] Docket No. G-14634; Sam Sklar, Docket No. G-14658; Winwell Exploration Company,[26] Docket No. G-14673; Herbert S. Woods, et al.,[27] Docket No. G-14703; Merchants Oil & Gas Company,[28] Docket No. G-14706; Graham Michaelis Drilling Company, Operator, et al.,[29] Docket No. G-14708; Muncy Drilling Company, Docket No. G-14709; Mull Drilling Company, Inc., Operator, et al.,[30] Docket No. G-14710; Monsanto Chemical Company, Docket No. G-14717; Le Cuno Oil Corporation,[31] Docket No. G-15035; Fred Whitaker, Operator, et al.,[32] Docket No. G-15806; Akron Gasoline Company, Operator,[33] Docket No. G-15914; Continental Oil Company,[34] Docket No. G-17520; Rhodes & Hicks Drilling Corporation, H. L. Dilling, Jr., and H. D. Bruns,[35] Docket No. G-18039; Salt Dome Production Company, Docket No. G-18368; DDG Gas and Oil Corporation, Operator, et al.,[36] Docket No. G-18387; Cities Service Oil Company, Docket No. G-18456; Lillie C. Cullen,[37] Docket No. G-18457; Gulf Oil Corporation,[38] Docket No. G-18478; Lloyd L. Gray d/b/a Graell Gas Service Company, Operator,[39] Docket No. G-18483; South Fork Gas Company,[40] Docket No. G-18488; Hunt Oil Company, Docket No. G-18494; L. C. Smitherman, Operator, et al.,[41] Docket No. G-18496; Coastal States Gas Producing Company, Operator, et al.,[35] Docket No. G-18745; Ingersoll Power and Fabricating Co., Inc.,[42] Docket No. G-18763; Milton Crow, Inc., Docket No. G-18926; Plymouth Oil Company, Docket No. G-18929; Petroleum, Inc., Docket No. G-18930; Charles A. Hinton, et al.,[43] Docket No. G-18986; Chief Drilling Company, Inc., Operator, et al.,[44] Docket No. G-19008; Ambassador Oil Corporation, Operator, et al.,[45] Docket No. G-19009; Gulf Oil Corporation, Docket No. G-19012; Albert R. Greer,[46] Docket No. G-19033; Orma Oil & Gas Company,[47] Docket No. G-19035; Humble Oil & Refining Company, Docket No. G-19071; Willie Collins, et al.,[48] Docket No. G-19106; The British-American Oil Producing Company, Docket No. G-19108; Calto Oil Company, Operator,[49] Docket No. G-19183; Valley Gas Transmission, Inc.,[50] Docket No. G-19618; Richard M. Finder d/b/a Texkan Oil Company, Operator,[51] Docket No. G-19619; Richard M. Finder d/b/a Texkan Oil Company, Operator,[52] Docket No. G-19620; Richard M. Finder d/b/a Texkan Oil Company, Operator,[53] Docket No. G-19621; Richard M. Finder d/b/a Texkan Oil Company, Operator,[54] Docket No. G-19622; Clark Fuel Producing Company, Docket No. G-19623; Bridwell Oil Company,[55] Docket No. G-19624; Hillcrest Oil Company, Docket No. G-19625; John R. Rhodes, Operator,[56] Docket No. G-19626; Russell Maguire, Trustee and Operator,[57] Docket No. G-19627; Morgan Minerals Corporation, Operator,[58] Docket No. G-19628; Morgan Minerals Corporation, Operator,[59] Docket No. G-19629; Morgan Minerals Corporation, Operator,[60] Docket No. G-19630; Valley Gas Production, Inc., Operator,[61] Docket No. G-19631.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing each to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications and amendments and supplements thereto, which are on file with the Commission and open to public inspection.

The respective Applicants produce and propose to sell natural gas for transpor-

See footnotes at end of document.

tation in interstate commerce for resale as indicated below:

*Docket No.; Field and Location; and Purchaser*

G–13369; Farming "D" Unit, SW/4 of Section 2 T–27N, R–9–W, San Juan County, N. Mex.; El Paso Natural Gas Co.

G–13890; Jefferson District, Nicholas County, W.Va.; Columbian Carbon Co.

G–14435; West Short Junction Field, Cleveland County, Okla.; Cities Service Gas Co.

G–14451; Victor Pool, Lincoln County, Okla.; Jernigan and Morgan Transmission Co.

G–14452; Birch District, Braxton County, W. Va.; Equitable Gas Co.

G–14457; Acreage in Seward County, Kans.; Northern Natural Gas Co.

G–14462; Morrow Sand Field, Beaver County, Okla.; Northern Natural Gas Co.

G–14475; Levelland Field, Cochran County, Tex.; El Paso Natural Gas Co.

G–14481; Geary District, Roane County, W. Va.; South Penn Natural Gas Co.

G–14483; Spencer District, Roane County, W. Va.; South Penn Natural Gas Co.

G–14485; South Glenwood Field, Beaver County, Okla.; Northern Natural Gas Co.

G–14507; Acreage in Grant County, Okla.; Cities Service Gas Co.

G–14508; Hunter Northwest Pool, Garfield County, Okla.; Consolidated Gas Utilities Corp.

G–14512; South Glenwood Field, Beaver County, Okla.; Northern Natural Gas Co.

G–14516; Tidehaven Field, Matagorda County, Tex.; Texas Eastern Transmission Corp.

G–14535; Alfred Field, Jim Wells County, Tex.; Alfred Production Co.

G–14536; Fagan Field, Refugio County, Tex.; United Gas Pipe Line Co.

G–14537; Blanconia Field, Bee County, Tex.; United Gas Pipe Line Co.

G–14542; West Panhandle Field, Hutchinson County, Tex.; Henderson Trusts.

G–14546; Benezette Field, Cameron and Elk Counties, Pa.; New York State Natural Gas Corp.

G–14582; De Late Charco Field, Brooks County, Tex.; Texas Eastern Transmission Corp.

G–14589; Strain Field, Hardin County, Tex.; Transcontinental Gas Pipe Line Corp.

G–14593; Bloomington Field, Victoria County, Tex.; United Gas Pipe Line Co.

G–14594; Yoward Field, Bee County, Tex.; Texas Eastern Transmission Corp.

G–14596; Atwood East Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Co., Inc.

G–14597; Nichols Field, Kiowa County, Kans.; Michigan Wisconsin Pipe Line Co.

G–14609; Spraberry Trend Area, Midland County, Tex.; El Paso Natural Gas Co.

G–14610; Southeast Fulton Field, Beauregard Parish, La.; Trunkline Gas Co.

G–14611; Mayo Field, Jackson County, Tex.; Texas Eastern Transmission Corp.

G–14612; Rodessa Field, Marion County, Tex.; Arkansas Louisiana Gas Co.

G–14613; Camrick Southeast Field, Beaver County, Okla.; Natural Gas Pipeline Co. of America.

G–14633; Wallace Johnson Field, Marion County, Tex.; Arkansas Louisiana Gas Co.

G–14634; Ken-Rich Conglomerate Field, Jack County, Tex.; Natural Gas Pipeline Co. of America.

G–14658; Rodessa Field, Caddo Parish, La.; Arkansas Louisiana Gas Co.

G–14673; Rodessa (Jefferson Gloyd) Field, Marion County, Tex.; Arkansas Louisiana Gas Co.

G–14703; Acreage in Jack County, Tex.; Natural Gas Pipeline Co. of America.

G–14706; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.

G–14708; Greenough Field, Beaver County, Okla.; Panhandle Eastern Pipe Line Co.

G–14709; East Kentucky Field, Pike County, Ky.; Kentucky West Virginia Gas Co.

G–14710; West Medicine Lodge Field, Barber County, Kans.; Cities Service Gas Co.

G–14717; Vierson Area, San Juan County, N. Mex.; El Paso Natural Gas Co.

G–15035; Sam Sanders Lease, Waskom Field, Harrison County, Tex.; Arkansas Louisiana Gas Co.

G–15806; Carthage Field, Panola County, Tex.; Lone Star Gas Co.

G–15914; Xenia, West Xenia, West Akron, Barrow and Pinneo Fields, Washington and Morgan Counties, Colo.; Kansas-Nebraska Natural Gas Co., Inc.

G–17520; North Bayou Long Field, Iberia Parish, La.; Southern Natural Gas Co.

G–18039; Hollow Tree Field, Jim Wells County, Tex.; Alfred Production Co.

G–18368; Garwood Field, Colorado County, Tex.; Texas Eastern Transmission Corp.

G–18387; Cabeza Creek Area, Goliad, DeWitt and Karnes Counties, Tex.; United Gas Pipe Line Co.

G–18456; Acreage in Beckham and Greer Counties, Okla.; El Paso Natural Gas Co.

G–18457; Washburn Ranch Area, La Salle County, Tex.; Transcontinental Gas Pipe Line Corp.

G–18478; John C. Robbins Field, Rusk County, Tex.; Texas Eastern Transmission Corp.

G–18483; North Medicine Lodge Field, Barber County, Kans.; Cities Service Gas Co.

G–18488; Murphy District, Ritchie County, W. Va.; Hope Natural Gas Co.

G–18494; East Camerick Area, Beaver County, Okla.; Northern Natural Gas Co.

G–18496; Acreage in Edwards County, Kans.; Northern Natural Gas Co.

G–18745; Alfred Area, Jim Wells County, Tex.; Alfred Production Co.

G–18763; Greenwood-Waskom Field, Caddo Parish, La.; United Gas Pipe Line Co.

G–18926; Greenwood-Waskom Field, Caddo Parish, La.; Ingersoll Power and Fabricating, Inc.

G–18929; Greenwood-Waskom Field, Caddo Parish, La.; Ingersoll Power and Fabricating, Inc.

G–18930; Greenwood-Waskom Field, Caddo Parish, La.; Ingersoll Power and Fabricating, Inc.

G–18986; Waskom Field, Harrison County, Tex.; Arkansas Louisiana Gas Co.

G–19008; Acreage in Edwards County, Kans.; Northern Natural Gas Co.

G–19009; Acreage in Beaver County, Okla.; Panhandle Eastern Pipe Line Co.

G–19012; North Waterloo Field, Logan County, Okla.; Cities Service Gas Co.

G–19033; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.

G–19035; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.

G–19071; Roberts Field, Sutton County, Tex.; El Paso Natural Gas Co.

G–19106; Sheridian District, Calhoun County, W. Va.; Hope Natural Gas Co.

G–19108; Bisti Field Area, San Juan County, N. Mex.; El Paso Natural Gas Co.

G–19183; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Co.

G–19618; Various Fields in Hidalgo, Brooks, Jim Wells and Duval Counties, Tex.; Tennessee Gas Transmission Co.

G–19619; Whitted Field, Hidalgo County, Tex.; Valley Gas Transmission, Inc.

G–19620; Alice Field, Jim Wells County, Tex.; Valley Gas Transmission, Inc.

G–19621; Viboras Field, Brooks County, Tex.; Valley Gas Transmission, Inc.

G–19622; Alta Mesa Field, Brooks County, Tex.; Valley Gas Transmission, Inc.

G–19623; Alta Mesa Field, Brooks County, Tex.; Valley Gas Transmission, Inc.

G–19624; Bob Cooper Field, Brooks County, Tex.; Valley Gas Transmission, Inc.

G–19625; Bob Cooper Field, Brooks County, Tex.; Valley Gas Transmission, Inc.

G–19626; Good Friday Field, Duval County, Tex.; Valley Gas Transmission, Inc.

G–19627; Good Friday Field, Duval County, Tex.; Valley Gas Transmission, Inc.

G–19628; Good Friday Field, Duval County, Tex.; Valley Gas Transmission, Inc.

G–19629; La Huerta Field, Duval County, Tex.; Valley Gas Transmission, Inc.

G–19630; Orcones Field, Duval County, Tex.; Valley Gas Transmission, Inc.

G–19631; Lyle Wilson Field, Duval County, Tex.; Valley Gas Transmission, Inc.

The public convenience and necessity require that these matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 12, 1960, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 18, 1960. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made: *Provided, further,* If a protest, petition to intervene or notice of intervention be timely filed in any of the above dockets, the above hearing date as to the docket will be vacated and a new date for hearing will be fixed as provided in § 1.20(b) (2) of the rules of practice and procedure.

JOSEPH H. GUTRIDE,
*Secretary.*

[1] Schermerhorn Oil Corp. is filing for itself and on behalf of Kenwood Oil Co.

[2] Paul Shaffer, Operator, is filing for himself and, as Operator, lists in the related rate schedule filing the following nonoperators with their respective percentages of working interest: Enoch R. Needles, James P. Exum, Ellis E. Paul, Paul Le Masters, Joseph H. Bonsall, Homer C. Jarrett, Sr., *et ux.*, O. M. Harris, A. Lee Williams, William U. Townsend, *et ux.*, G. L. Crawford, Paul F. Martin, *et ux.*, and Lillian M. Mairs. All are signatory seller parties to the subject gas sales contract.

[3] Application covers a proposed continuation of a sale of natural gas to J. E. Jernigan and Max V. Morgan, d.b.a., Jernigan and Morgan Transmission Co., pursuant to a gas sales contract dated December 2, 1955, between William Herbert Hunt (Independent Executor of the Estate of Lyda Bunker Hunt, Deceased), *et al.*, sellers, and J. E. Jernigan and Max V. Morgan, buyers.

[4] G. B. Howell Gas Co., Applicant, is a partnership and is filing through its Agent, Doyle F. Bennett.

[5] Application covers a ratification agreement, dated January 23, 1958, of a basic gas sales contract dated September 9, 1957, between Cabot Carbon Co., seller, and Northern Natural Gas Co., buyer. Both Harper and Northern are signatory parties to the ratification agreement.

[6] The Ard Drilling Co., Operator, is filing for itself and as agent for Woodley Petroleum Company and proposes to sell natural gas pursuant to two basic gas sales contracts with El Paso Natural Gas Co., dated November 14, 1957, and December 17, 1957, executed by Ard and Woodley, respectively. Amendment to application filed March 27, 1958, requests incorporation of Woodley's working interest.

[7] Ross Oil & Gas Co., Applicant, is a partnership composed of N. M. Jackson, W. H. Hildredth and W. T. McGlothlin and all partners have signed the subject gas sales contract. Amendment to application filed April 4, 1958, clarifies signatory status of Applicant.

[8] J. K. Knight Oil & Gas Co., Applicant, is a partnership composed of W. H. Hildreth and W. T. McGlothlin and both parties have signed the subject gas sales contract. Amendment to application filed April 4, 1958, clarifies signatory status of Applicant.

[9] Charles J. Richard, Operator, is filing for himself and on behalf of the following nonoperators: William H. Orr, Jack C. Tway, Lora C. Tway, Betty G. Tway, Lucille T. Herndon, B. B. Bramlett, Joan L. Bramlett, John P. Jenicek, Joseph H. Reed, Donald H. Reed, Harold D. Reed, and F. A. Calvert, Jr. All are signatory seller parties to the subject gas sales contract.

[10] A. G. Oliphant, Operator, is filing for himself and, as Operator, lists Charles W. Oliphant (nonoperator) as owner of remaining working interest in the Campbell No. 1 Well. Both are signatory seller parties to the subject gas sales contract.

[11] Josaline Production Co. (nonoperator), a partnership composed of Joe B. Singer, S. J. Singer, Alex Singer, Joe L. Singer, Richard Fleischaker, and Adeline S. Fleischaker, proposes to sell its share of production from the Parker-Berends Unit pursuant to a basic gas sales contract, dated April 25, 1957, between Provident Royalties Corp., seller, and Northern Natural Gas Co., buyer. By instrument of assignment, dated September 23, 1957, Provident conveyed to Singer-Fleischaker Royalty Co. certain acreage, a portion of which was previously dedicated to the aforesaid basic contract and formed part of the Parker-Berends Unit. Latter acreage was reassigned by Singer-Fleischaker to Josaline by instrument dated September 1, 1957.

[12] Christie, Mitchell and Mitchell Co. is filing as agent for Oil Drilling, Inc. and J. A. Gray and all have signed the subject gas sales contract; Christie, owner of no working interest, signed as agent and representative.

[13] Jake L. Hamon, Operator, is filing for himself and on behalf of George H. Coates (nonoperator) and both are signatory seller parties to the subject gas sales contract.

[14] Jake L. Hamon, Operator, is filing for himself and on behalf of Edwin L. Cox (nonoperator) and both are signatory seller parties to the subject gas sales contract.

[15] Richard M. Finder, d.b.a., Texkan Oil Co., Operator, is filing for himself and on behalf of the following nonoperators: International Hormones, Inc., Harry Ross, Joseph Goodman, Norman Barsel, Philip Weisberg, John L. Tishman, Robert V. Tishman, Alan V. Tishman, Gerald Shukow, Anna Friedman, Rose Mendelsohn, Sutro Brothers & Co., Lillian Rascoff, Samuel J. Krift, Alvin G. Rowes, Irving Friedman, J. B. Nichols, and Gilbert P. Howard. Applicant is the only signatory seller party to the subject gas sales contract.

[16] William K. Davis and Henry S. Puder are filing jointly for their working interests in the William E. Herring, et al., Lease and propose to sell natural gas produced therefrom pursuant to a basic gas sales contract dated July 26, 1956, between Warren Petroleum Corporation, seller, and Julian W. Glass, Jr. and Roger S. Randolph, Trustees for the Frank C. Henderson Trust No. 2 and the Elizabeth P. Henderson Trust No. 2, respectively, buyers. By instrument of assignment, dated January 23, 1957, Warren conveyed subject lease to William K. Davis. Subsequently, in instrument dated February 1, 1957, William K. Davis reassigned a working interest to Henry S. Puder.

[17] Benedum-Trees Oil Co. is filing for itself and on behalf of the following co-owners: Penn-Ohio Gas Co., Bentex Oil Corp. and Hiawatha Oil & Gas Co. All are signatory seller parties to the subject gas sales contract.

[18] Sam Trant, Operator, is filing for himself and on behalf of the nonoperators who are listed in the application. All are signatory seller parties to the subject gas sales contract.

[19] International Oil Corp. proposes to sell natural gas to be produced from the Goree "A" Lease pursuant to a basic gas sales contract dated February 12, 1957, between Pan American Petroleum Corp., seller, and Texas Eastern Transmission Corp., buyer. By instrument of assignment, dated July 8, 1957, Pan American conveyed to International the subject lease.

[20] Plains Exploration Co., Operator, is filing for itself and on behalf of the nonoperators listed in the application. All are signatory seller parties to the subject gas sales contract.

[21] Trice Production Co., Operator, is filing for itself and on behalf of 66 nonoperators, listed in the application with the percentage of working interest owned by each. All are signatory seller parties (nonoperators through the signature of James L. Pardue, Attorney-in-Fact, on their behalf) to the subject gas sales contract.

[22] John F. Merrick, Operator, is filing for himself and on behalf of the nonoperator, D. M. Wallace, and both are signatory seller parties to the subject gas sales contract.

[23] Southwest Natural Production Co., Operator, is filing for itself and on behalf of the following nonoperators: W. N. Dorsett, W. M. Plaster, A. M. Rozeman, G. A. Campbell, R. L. Risinger, M. E. Pollard, V. F. Beasley, J. B. Hyde, M. E. Olen, and H. L. Olen. All are signatory seller parties to the subject gas sales contract.

[24] S. H. Killingsworth, Operator, is filing for himself and as agent for the following nonoperators: Breisford & Lea Drilling Corp., Betty Robbins Davis, U. J. Hester, F. R. Jackson, Dorothy Robbins Kennedy, John Clinton Robbins, John C. Robbins, Jr., B. J. Baird, and Lee Killingsworth. With the exception of B. J. Baird and Lee Killingsworth, all are signatory seller parties to the subject gas sales contract.

[25] Kenneth J. Rich, Operator, is filing for himself and on behalf of the following nonoperators: William M. Bolton, Oscar Gruss, Edmund M. Hoffman, Raymond J. Lorenz, Robert A. Lorenz, J. E. McAuliffe, Gordon Monsen, M. T. Monsen, The Patten Co., Peter Paul, Elmer Rich, Daniel C. Searle, John G. Searle, Henry Hottinger, and Robert Emanuel, Trustee. All are signatory seller parties to the subject gas sales contract.

[26] Winwell Exploration Co. (also d.b.a., Mobley & Stephens) is a partnership composed of Robert Winthrop, Henry G. Davis, C. S. McCain, Jr., O. B. Mobley, Jr., and Joseph J. Stephens, and all partners are signatory seller parties to the subject gas sales contract.

[27] Herbert S. Woods, Kin-Ark Oil Co., Herbert Wenk, Irwin I. Muslow, B. G. Edwards, W. D. Hulett, Crow-Greyhound Drilling Co., Inc., David Crow, Trustee, Colorado Oil and Gas Corp., Muslow Oil Co., Inc., Ray Herring, H. C. McKinney, Jr., and E. Boyd Alderson are filing jointly through their Attorney, John H. Shuey, and all are signatory seller parties to the subject gas sales contract.

[28] Merchants Oil & Gas Co., Applicant, a partnership, is filing through its Agent and Partner, William H. McGee, and submitted a short form rate schedule filing pursuant to Section 154.92(c) of Order No. 174–B. No contract was filed as a part thereof nor is one required under said section.

[29] Graham-Michaelis Drilling Co., a partnership consisting of William L. Graham, Marjorie Lois Graham and W. A. Michaelis, Operator, is filing for itself and on behalf of the following nonoperators: King-Stevenson Oil Co., Petrolite Corp., William Graham Co., John King, and Ben Stevenson. Applicant proposes to sell a portion of production from the Carter No. 2 Unit pursuant to a gas sales contract, dated February 4, 1958, between Graham-Michaelis, seller, and Panhandle Eastern Pipe Line Co., buyer, and instrument of assignment, dated March 10, 1958, wherein certain working interests are conveyed by Graham-Michaelis to King-Stevenson, Petrolite, and William Graham Co. The remaining portion of production Applicant proposes to sell pursuant to a basic gas sales contract, dated November 13, 1957, between The Carter Oil Co., seller, and Panhandle, buyer. Graham-Michaelis acquired certain acreage from Carter by assignment dated January 27, 1958 (corrects original assignment dated December 31, 1957) and subsequently reassigned working interests to John M. King and Ben Stevenson by instrument dated March 10, 1958.

[30] Mull Drilling Co., Inc., Operator, is filing for itself and on behalf of the following nonoperators: Guy F. Atkinson Co., Ostrander Construction, K. S. Stewart, E. C. Stewart, and O. H. Stewart. All are signatory seller parties to the subject gas sales contract.

[31] Applicant seeks authority to resume the sale of gas to Arkansas Louisiana, previously made by its predecessor in interest, Jim McMurrey & T. W. Lee. The proposed sale is to be covered by the terms and conditions of a gas sales contract dated September 17, 1952, as amended, between Arkansas Louisiana, as buyer, and McMurrey & Lee, as sellers. Production ceased in May 1955 and the properties involved reverted to the landowner, Sam Sanders, et ux. The landowner, in November 1957, determined that the properties were still capable of production and, subsequently, by instrument of April 19, 1958, assigned all of his interest in the Sam Sanders Lease to Le Cuno.

[32] Fred Whitaker, Operator, is filing for himself and on behalf of the following nonoperators: Earl Barber, Virginia Barber, Marvin Briggs, John Lewis Bunyard, J. B. Chambers, Joe Garner, Ivan Greene, Gus Layton, L. T. N. Drilling Co., Temple Pyle, Jr., Ruff Wall, Herbert Voss Drilling Co., German Hollandsworth, and Continental Oil Co. With the exception of Continental Oil Co., all are signatory seller parties to the subject sales contract.

[33] Akron Gasoline Co., Plant Operator, is filing for authorization to sell residue gas to Kansas-Nebraska Natural Gas Co., Inc. from its gasoline plant located in Washington County, Colorado, pursuant to a gas sales contract dated August 1, 1956, and two amendatory agreements adding additional acreages thereto, dedicated under additional gas purchase contracts dated February 21, 1957, and June 9, 1958. Akron will purchase subject gas from Anschutz Drilling Co., Inc., Wytex Oil Corp., Plains Exploration Co., Kingwood Oil Co., Pan American Petroleum Corp., and The Kimbark Co. on a "percentage-sales" basis for processing and resale.

[34] Applicant has not filed a rate schedule for the service proposed in Docket No. G–17520.

[35] Rhodes & Hicks Drilling Corp., Herbert L. Dillon and H. D. Bruns, in Docket No. G–18039, and Coastal States Gas Producing Co., Operator, Gilcrease Oil Co., and Chas. A. Daubert, in Docket No. G–18745, are filing for authorization to sell gas to Alfred Production Co. pursuant to two gas sales contracts dated February 26, 1959, and March 2, 1956, respectively. Each Applicant is a signatory seller party to his respective gas sales contract.

[36] DDG Gas and Oil Corp., Operator, is filing for itself and on behalf of the nonoperators listed in the application together with the percentages of working interests. All are signatory seller parties to the subject gas sales contract.

[37] Application covers a ratification agreement, dated June 30, 1958, of a basic gas sales contract, dated May 1, 1957, between Agnes Cullen Arnold, *et al.*, sellers, and Transcontinental Gas Pipe Line Corp., buyer. Applicant is a signatory seller party to the subject ratification agreement also signed by buyer.

[38] Gulf Oil Corp. is a signatory seller party to the subject gas sales contract through the signature of its Agent, Warren Petroleum Corp.

[39] Lloyd L. Gray, d.b.a., Graell Gas Service Co., is filing as plant operator and lists in its application the names of those producers from whom it purchases its gas supply, which producers are paid a percentage of the proceeds received from resale of the residue gas.

[40] South Fork Gas Co. is a partnership composed of R. J. Braden, V. N. Holderman, Emmett Cronin, H. B. Zinn, Ed Strimmel, Howard Johnston, H. H. Elder, and H. G. Elder, d.b.a., H. H. Elder & Son. All are signatory seller parties to the subject gas sales contract.

[41] L. C. Smitherman, Operator, is filing for himself and on behalf of the nonoperators listed in the application together with the percentage of working interest of each. Operator is a signatory seller party to the subject gas sales contract and each of the nonoperators has executed its own separate ratification agreement, each dated January 9, 1959, of said basic contract.

[42] Ingersoll Power and Fabricating Co., Inc. proposes to purchase gas for resale to United Gas Pipe Line Co. from Milton Crow, Inc., Plymouth Oil Co., Petroleum Products, Inc., and States Oil Co. The respective producers' applications, except States Oil Co., are a part of these consolidated proceedings.

[43] Charles A. Hinton and Hinton Production Co., nonoperators, are filing for themselves and as Agents for additional nonoperating owners of working interests listed in the application, who are nonsignatory parties to a basic gas sales contract, dated July 23, 1958, between Arkansas Louisiana Gas Co., buyer and also Operator of the subject unit, and Zephyr Oil Co. and W. B. Hinton, sellers. Charles A. Hinton and Hinton Production Co. acquired the working interest of W. B. Hinton by various assignments, all dated September 2, 1958.

[44] Chief Drilling Co., Inc., Operator, is filing for itself and on behalf of the nonoperators listed in the application. All are signatory seller parties to the subject gas sales contract.

[45] Ambassador Oil Corp., Operator, is filing for itself and on behalf of the nonoperators listed in the application. All are signatory seller parties to the subject gas sales contract.

[46] Application covers a basic gas sales contract, dated July 1, 1959, and an amendatory agreement, dated July 9, 1959, adding additional acreage thereto.

[47] Orma Oil & Gas Co. is a partnership consisting of W. H. Hildreth, W. T. McGlothlin, N. M. Jackson, and twenty-six additional parties. W. H. Hildreth, W. T. McGlothlin and N. M. Jackson are signatory seller parties to the subject gas sales contract and the remaining above-named partners are also signatory parties through the signatures W. H. Hildreth, W. T. McGlothlin and N. M. Jackson, who have signed the contract as Attorneys-in-Fact for said parties.

[48] Willie Collins, et al., Applicant, is a partnership composed of Willie Collins, A. G. Mathews, The Central Co., Inc., D. A. Dorward, Mr. and Mrs. Curtis Simmons, Paul Bower or Inez Bower, Jack L. Miller and Ira J. Roberts or Dessie Roberts. Willie Collins is a signatory seller party to the subject gas sales contract and the remaining above-named parties are also signatory seller parties through the signature of Willie Collins, who has signed the contract as Attorney-in-Fact for said parties.

[49] Calto Oil Co., Operator, is filing for itself and, as Operator, lists in the application, together with its percentage of working interest, Griffith Moore, as nonoperator. Both are signatory seller parties to the subject gas sales contract. Application covers a basic gas sales contract, dated July 22, 1959, and an amendatory agreement adding additional acreage thereto, dated August 15, 1959. Amendment filed is request for certificate authorization to cover above-mentioned additional acreage. The basic contract limits production to horizons down to and including the Pictured Cliffs Formation.

[50] Valley Gas Transmission, Inc. (Valley) seeks authorization to sell natural gas to Tennessee Gas Transmission from production in various fields in Hidalgo, Brooks, Jim Wells, and Duval Counties, Texas. Said gas will be purchased by Valley from Thirteen producers, whose certificate applications (Docket Nos. G–19619 through G–19631, incl.) are a part of these consolidated proceedings, and three producers whose applications are not included herein, namely, Farenthold & Pitcairn, Docket No. CI60–21, W. M. Laughlin, Docket No. CI60–44, and Lawrence E. Hoover, Docket No. CI60–141.

[51] Richard M. Finder, d.b.a., Texkan Oil Co., Operator, is filing for himself and, as Operator, lists the following nonoperators together with their percentages of working interest: International Harmones, Inc., Norman Barsel, Joseph Goodman, Harry Ross, Harry Schoenberg, Albert Gutwirth, David L. Rand, Mrs. Elizabeth Gordon, Alvin G. Rowes, Milton H. Mandel, Samuel S. Miller, Samuel W. Hurowitz, John L. Tishman, Burton J. Bookstaver, Henry D. Epstein, Alan V. Tishman, Phillip Weisberg, Thomas K. Vick, Clovis Geoghagan, Mrs. Phyllis G. Tishman, Richard Salomon and George Jablow, Adrian C. Israel, Robert Lusk, Mrs. Olene Christie Bonwit, Miss Clovis Geoghagan, Mrs. Margaret W. Tishman, Emanuel Erlbaum, Mrs. Rosalie Green, Mrs. Mary Dollinger, Mrs. Rose Dollinger, Daniel Zirinsky, Ralph Zirinsky, Caracas Petroleum (U.S.), Inc., and Valley Gas Production, Inc. Texkan is the only signatory seller party to the subject contract.

[52] Richard M. Finder, d.b.a., Texkan Oil Co., Operator, is filing for himself and, as Operator, lists the following nonoperators together with their percentages of working interest: International Hormones, Inc., Monroe Golden, Alvin G. Rowes, Sidney Bach, Mrs. Rose Shukow, AMSAF Corporation, John L. Tishman, Robert V. Tishman, Alan V. Tishman, Harry Ross, Irving Resnick, Max Resnick, Norman Barsel, Joseph Goodman, Harold Kantrow, David Rascoff, Ann Friedman, J. B. Nichols, Max Gulack, Irving Friedman, Gilbert P. Howard, and Miss Clovis Geoghagan. Texkan is the only signatory seller party to the subject contract.

[53] Richard M. Finder, d.b.a., Texkan Oil Co., Operator, is filing for himself and, as Operator, lists the following nonoperators together with their percentages of working interest: Dr. Stanislaus Chylinski, Clovis Geoghagan, Caracas Petroleum (U.S.), Inc., John W. G. Oglivie, Donald S. Stralem, Richard A. Murray Associates, and Lillie Eisen. Texkan is the only signatory seller party to the subject contract.

[54] Richard M. Finder, d.b.a., Texkan Oil Co., Operator, is filing for himself and, as Operator, lists the following nonoperators together with their percentages of working interest: Dr. Stanislaus Chylinski, Clovis Geoghagan and Caracas Petroleum (U.S.), Inc. Texkan is the only signatory seller party to the subject contract.

[55] Bridwell Oil Co., Applicant, is a copartnership composed of J. S. Bridwell and Margaret Bowdle.

[56] John R. Rhodes, Operator, is filing for himself and, as Operator, lists the following nonoperators together with their percentages of working interest: James Blake, Irving Bornstein, Carline & Friedman, J. C. Carson, Oran D. Carson, W. J. Chesak, Walter A. Cormier, E. D. DePuy, R. D. DePuy, Norman Fleishman, Claire Furman (Mrs. McIver Furman), Charles Crasser, David Greenburg, Arnold Gross, Ed Grossman, Simon Grossman, A. H. Hardy, M. D., Elmer Krause, Milton Leone, Reynolds Leone, Lindale Investment Co., Charles Lynch, Jr., Charles McAvoy, Mrs. Barbara McDermott, A. J. Manning, C. A. Mansheim, Americo Martinelli, W. T. Neyland, Roy L. Palmer, John T. Spell, Synura Corp., J. R. Gibson, Trustee, Thomas J. Hussion, R. J. McIntyre, John Peel, and Harry Bornstein. All are signatory seller parties to the subject contract.

[57] Russell Maguire, Trustee for the Cary McIlwaine Maguire, Elizabeth Deane Maguire and Marina Justine Jane Maguire Trusts, is filing for himself and, as Operator, lists the following nonoperators: John C. Newington, Alco Valve Co. and Weber Dental Manufacturing Co. All are signatory seller parties (above-named trusts through the signature of Russell Maguire) to the subject contract.

[58] Morgan Minerals Corp., Operator, is filing for itself and, as operator, lists W. H. Doran (nonoperator) as owner of the remaining working interest. Both are signatory seller parties to the subject gas sales contract.

[59] Morgan Minerals Corp., Operator, is filing for itself and, as Operator, lists Weaver & Sharp (a partnership) as owner of the remaining working interest. Both are signatory seller parties to the subject gas sales contract.

[60] Morgan Minerals Corp., Operator, is filing for itself and, as Operator, lists Weaver & Sharp (a partnership), T. C. and Josephine May as owners of the remaining working interest. All are signatory seller parties to the subject gas sales contract.

[61] Valley Gas Production, Inc., Operator and non-interest owner, is filing for the following nonoperators: Harry Bornstein, Irving Bornstein, J. C. Carson, D. C. Carson, O. D. Carson, M. M. Chapman, Leland S. Day, R. W. DePuy, C. O. Dube, R. L. Fleischer, Buford Goodwin, David Greenberg, Ed Grossman, Simon Grossman, Harry W. Hamilton, V. P. Head, T. J. Hussion, Elmer Krause, A. J. Manning, Gerald C. Letch, Lindale Investment Company, Robert Dunn, Max J. Luther, J. E. Leslie, A. Martinelli, R. J. McIntyre, W. T. Neyland, W. M. Neyland, Mrs. Sib Neyland, Roy L. Palmer, Norborne B. Powell, M.D., John M. Peel, Mrs. Flora Wilson Peel, John T. Spell, Mrs. Lyle Wilson, E. A. Wilkerson, M.D., Jerome Wilson, and Synura Corporation. Only Valley Gas Production, Inc. is a signatory party to the subject contract.

[F.R. Doc. 60–1946; Filed, Mar. 2, 1960; 8:48 a.m.]

[Docket No. RI60-148 etc.]

## SOUTHLAND ROYALTY CO. ET AL.

### Order Permitting Superseding Rate Filings and Providing for Suspension of and Hearing on Proposed Rate Schedules [1]

FEBRUARY 24, 1960.

In the matter of Southland Royalty Company, Docket No. RI60-148; Anderson-Prichard Oil Corporation, Docket No. RI60-149; Anderson-Prichard Oil Corporation (Operator), et al., Docket Nos. G-19638, RI60-150; Albert Gackle (Operator), et al., Docket Nos. G-13940, RI60-151 and G-14045; Oil Well Drilling Company, et al., Docket No. RI60-152; The Sharples Oil Corporation, et al., Docket No. G-14624; The Sharples Oil Corporation (Operator), et al., Docket No. G-14253; E. A. Culbertson and W. W. Irwin, Docket No. RI60-153; Jay Simmons, et al., Docket No. RI60-154; Rutter and Wilbanks Brothers (Operator), et al., Docket No. RI60-155; W. H. Hudson Company, Docket No. RI60-156; Howard W. Fleet, et al., Docket No. RI60-157; F. G. Blackwood, et al., Docket No. G-18515; Gulf Oil Corporation, Docket No. G-20400; Resler & Sheldon (Operator), et al., Docket No. G-19492.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas to El Paso Natural Gas Company, subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

| Docket No. | Respondent | Rate Sched. No. | Supp. No. | Producing area | Notice of change dated— | Date tendered | Effective date [1] unless suspended | Date suspended until— | Cents per Mcf | | Rate in effect subject to refund in Docket Nos. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | Rate [2] in effect | Proposed increased rate | |
| RI60-148 | Southland Royalty Co. | 14 | 8 | Clara Couch Field, Crockett County, Tex. | 1-25-60 | 1-25-60 | 2-25-60 | 7-25-60 | 10.6008 | 15.6488 | |
| RI60-148 | do | 15 | 2 | Spraberry Field, Reagan, Glasscock, Midland, and Upton Counties, Tex. | 1-25-60 | 1-25-60 | 2-25-60 | 7-25-60 | 10.0 | 17.1632 | |
| RI60-149 | Anderson-Prichard Oil Corp. | 14 | 6 | Langlie-Mattix Field, Lea County, N. Mex. | 1-21-60 | 1-25-60 | 3-1-60 | 8-1-60 | 9.5 | 15.501744 | |
| RI60-149 | do | 75 | 3 | Jack Herbert & Amacker [3] Tippett Fields, Upton County, Tex. | 1-21-60 | 1-26-60 | 3-1-60 | 8-1-60 | 8.108 | 13.68225 | |
| RI60-149 | do | 52 | 5 | South Fullerton Field, Andrews County, Tex. | 1-26-60 | 1-28-60 | 3-1-60 | 8-1-60 | 10.171 | 17.2295 | |
| RI60-150 | Anderson-Prichard Oil Corp. (Operator), et al. | 88 | 6 | Blinebry Field, Lea County, N. Mex. | 1-25-60 | 1-26-60 | 3-1-60 | 8-1-60 | 9.5 | 15.501744 | |
| G-19638 | do | 85 | 9 | Crosby-Devonian Field, Lea County, N. Mex. | 1-27-60 | 1-29-60 | 3-1-60 | 8-1-60 | [3] 10.50118 | 15.501744 | G-19638 |
| RI60-151 | Albert Gackle (Operator), et al. | 1 | 15 | Jalmat Field, Lea County, N. Mex. | 1-26-60 | 1-27-60 | 3-1-60 | 8-1-60 | 10.50118 | 15.55987 | |
| RI60-151 | do | 3 | 5 | do | 1-26-60 | 1-27-60 | 3-1-60 | 8-1-60 | 10.50118 | 15.55987 | |
| G-13940 | do | 2 | 3 | do | 1-26-60 | 1-27-60 | 3-1-60 | 8-1-60 | 9.50107 | 15.55987 | |
| G-14045 | do | 6 | 9 | do | 1-21-60 | 1-28-60 | 2-28-60 | 7-28-60 | 9.50107 | 15.55987 | |
| RI60-152 | Oil Well Drilling Co., et al. | 5 | 1 | Eumont Field, Lea County, N. Mex. | Undated | 1-27-60 | 2-27-60 | 7-27-60 | 10.5 | 15.5 | |
| G-14253 | The Sharples Oil Corp., et al. | 6 | 3 | Pegasus Field, Midland and Upton Counties, Tex. | 1-27-60 | 1-29-60 | 2-29-60 | 7-29-60 | 10.096 | 17.1632 | |
| G-14624 | do | 3 | 4 | Spraberry Field, Reagan County, Tex. | 1-29-60 | 2-8-60 | 3-10-60 | 8-10-60 | 10.0 | 17.1632 | |
| RI60-153 | E. A. Culbertson and W. W. Irwin. | 3 | 2 | Crosby-Devonian Field, Lea County, N. Mex. | 1-27-60 | 2-1-60 | 3-3-60 | 8-3-60 | 10.5 | 15.5 | |
| RI60-154 | Jay Simmons, et al. | 2 | 2 | Lea County, N. Mex. | 1-28-60 | 2-1-60 | 3-3-60 | 8-3-60 | 10.5 | 15.559 | |
| RI60-154 | do | 3 | 2 | do | 1-28-60 | 2-1-60 | 3-3-60 | 8-3-60 | 10.5 | 15.559 | |
| RI60-155 | Rutter and Wilbanks Brothers (Operator), et al. | 1 | 20 | Spraberry Field, Upton, Reagan and Midland Counties, Tex. | 1-29-60 | 2-2-60 | 3-4-60 | 8-4-60 | 11.1056 | 17.1632 | G-15421 |
| RI60-155 | do | 2 | 10 | Spraberry Field, Reagan County, | 1-29-60 | 2-2-60 | 3-4-60 | 8-4-60 | 11.1056 | 17.1632 | G-15407 |
| RI60-155 | do | 3 | 10 | do | 1-29-60 | 2-2-60 | 3-4-60 | 8-4-60 | 11.1056 | 17.1632 | G-15421 |
| RI60-155 | do | 4 | 10 | do | 1-29-60 | 2-2-60 | 3-4-60 | 8-4-60 | 11.1056 | 17.1632 | |
| RI60-157 | Howard W. Fleet, et al. | 9 | 2 | Denton Gas Plant, Lea County, N. Mex. | 1-30-60 | 2-5-60 | 3-7-60 | 8-7-60 | 11.0 | 17.0 | |
| G-18515 | F. G. Blackwood, et al. | 2 | 11 | Dollarhide Field, Andrews County, Tex. | Undated | 2-5-60 | 3-7-60 | 8-7-60 | 11.07425 | 17.11475 | |
| G-20400 | Gulf Oil Corp. | 55 | 1-3 | Jack Herbert, et al. [5] Fields, Upton County, Tex. | Undated | 2-8-60 | 3-10-60 | 6-1-60 | 8.108 | 13.6823 | G-20400 |
| G-19492 | Resler & Sheldon (Operator), et al. | 1 | 6 | Lea County, N. Mex. | 1-23-60 | 2-8-60 | 3-10-60 | 8-10-60 | 10.5 | 15.5 | [4] G-15083 |
| RI60-156 | W. H. Hudson Co. | 2 | 5 | Spraberry Field, Reagan County, Tex. | Undated | 2-4-60 | 3-6-60 | 8-6-60 | 10.0 | 17.0 | |

[1] The stated effective dates are those requested by respondents or thirty days after expiration of the required thirty days notice, whichever is later.
[2] The pressure base is 14.65 psia.
[3] Rate of 13.3495 cents per Mcf is suspended in Docket No. G-19638 until 3/25/60.
[4] Rate of 13.34802 cents per Mcf is suspended in Docket No. G-19492 until 3-1-60.
[5] The other purchaser is Hunt Oil Company.

The filing tendered by Gulf Oil Corporation reflects the interest of Hunt Oil Company as buyer of gas being purchased under the contract. El Paso's interest was covered by a previous filing designated as Supplement No. 3 proposing the same increased rate and suspended until June 1, 1960, in Docket No. G-20400.

In support of the proposed rates, the producers cite the benefits of eliminating the favored-nation provisions and of extending the contract term for twenty years. Also mentioned are the need of increased revenue to meet increasing production, drilling and exploration costs and to furnish incentive for further exploration and drilling. The increased rates are stated to be in line with current gas prices in the area and less than the present market and commodity value of the gas involved.

Good cause has not been shown for permitting waiver of statutory notice where requested.

The filings of F. G. Blackwood, et al., the Sharples Oil Corporation, et al., Resler & Sheldon (Operator), et al., Supplement Nos. 3 and 9 to Albert Gackle (Operator), et al.'s FPC Gas Rate Schedules 2 and 6, and Supplement No. 9 to Anderson-Prichard Oil Corporation (Operator), et al.'s. FPC Gas Rate Schedule No. 85 are substituted for previously filed rate increases presently under suspension in the same docket. The acceptance of the superseding supplements renders the preceding suspended supplements moot.

The proposed changes may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) The above-specified supplements in Docket Nos. G-13940, G-14045, G-14253, G-14624, G-18515, G-19492, and G-19638, are hereby accepted to supersede the filings presently suspended in those dockets.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

[1] This order does not provide for the consolidation for hearing or disposition of the separately-docketed matters covered herein nor should it be so construed.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.37(f)) on or before April 11, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
*Secretary.*

[F.R. Doc. 60–1947; Filed, Mar. 2, 1960; 8:48 a.m.]

# SECURITIES AND EXCHANGE COMMISSION

[File No. 1–2108]

## CONSOLIDATED VIRGINIA MINING CO.

### Order Withdrawing Registration of Securities on National Securities Exchange

FEBRUARY 26, 1960.

In the matter of Consolidated Virginia Mining Company, P.O. Box 324, Armonk, New York; File No. 1–2108.

Proceedings having been instituted pursuant to section 19(a)(2) of the Securities Exchange Act of 1934 to determine whether it is necessary or appropriate for the protection of investors to suspend or withdraw the registration of the common stock, ten cents par value, of Consolidated Virginia Mining Company on the San Francisco Mining Exchange, a national securities exchange;

Hearings having been held after appropriate notice, proposed finding and conclusions having been submitted by registrant and the Division of Corporation Finance of the Commission, the hearing examiner having submitted a recommended decision and exceptions thereto having been filed by the Division;

The Commission having this day issued its findings and opinion; on the basis of said findings and opinion:

*It is ordered,* That the registration of the common stock, ten cents par value, of Consolidated Virginia Mining Company on the San Francisco Mining Exchange, be, and it hereby is, withdrawn.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F.R. Doc. 60–1937; Filed, Mar. 2, 1960; 8:48 a.m.]

# SMALL BUSINESS ADMINISTRATION

## PRODUCTION RESEARCH ENGINEERING POOL

### Notice of Small Business Concern Withdrawn From Participation in a Small Business Production Pool

Pursuant to section 11 of the Small Business Act (Pub. Law 85–536), the name of the following small business concern is herewith published. This small business concern accepted the request to participate in the operations of the Production Research Engineering Pool and was subsequently withdrawn from membership. The original list of applicants was published November 13, 1959, in Volume 24, Number 222 of the FEDERAL REGISTER.

Audio-Sonics Corp., 7235 Alhambra Avenue, Canoga Park, Calif.

Date: February 24, 1960.

PHILIP MCCALLUM,
*Administrator.*

[F.R. Doc. 60–1939; Filed, Mar. 2, 1960; 8:48 a.m.]

# DEPARTMENT OF JUSTICE

## Office of Alien Property

[Vesting Order SA–289]

## CITY SAVINGS BANK CO., LTD.

In re: Property indirectly owned by The City Savings Bank Company, Limited, also known as Innerstadtische Sparcassa Actiengesellschaft; F 34–1683, 034–222 (Bank No. 17).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F.R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F.R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, in the sum of $394.47, arising out of a blocked account maintained by said Company in the name of "Amsterdamsche Bank N.V., Amsterdam, Blocked Account, Sub-Account Externa Waren Verkehrs G.m.b.H." together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned indirectly by The City Savings Bank Company, Limited, also known as Innerstadtische Sparcassa Actiengesellschaft, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D.C., on February 25, 1960.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F.R. Doc. 60–1935; Filed, Mar. 2, 1960; 8:47 a.m.]

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[Vesting Order SA–290]

## GANZ & CO. ELEKTRIZITAETS A.G.

In re: Property directly or indirectly owned by Ganz & Co. Elektrizitaets A.G.; F–34–1709, 034–222 (Bank No. 22).

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F.R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F.R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Brown Brothers Harriman & Co., 59 Wall Street, New York 5, New

York, in the sum of $538.52 arising out of a blocked account maintained by said Company in the name of "Ganz & Co. Elektrizitaets A.G.", together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned directly or indirectly by Ganz & Co. Elektrizitaets A.G., Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D.C., on February 25, 1960.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F.R. Doc. 60–1936; Filed, Mar. 2, 1960; 8:47 a.m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 29, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36044: *Potash from Calvert, Ky., to Milwaukee, Wis.* Filed by O. W. South, Jr., Agent (SFA No. A3914), for interested rail carriers. Rates on potassium (potash), caustic, in tank car-loads from Calvert, Ky., to Milwaukee, Wis.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 131 to Southern Freight Association, Agent, tariff I.C.C. 1565.

FSA No. 36045: *Soda ash from Baton Rouge, La., to Henderson, N.C.* Filed by O. W. South, Jr., Agent (SFA No. A3915), for interested rail carriers. Rates on soda ash, in carloads from Baton Rouge and North Baton Rouge, La., to Henderson, N.C.

Grounds for relief: Market competition.

Tariff: Supplement 128 to Southern Freight Association, Agent, tariff I.C.C. 1526.

FSA No. 36047: *Plastics—Baytown, Tex., to Helena, Ark., and Memphis, Tenn.* Filed by Southwestern Freight Bureau, Agent (No. B–7746), for interested rail carriers. Rates on synthetic plastics, in carloads, as described in the application from Baytown, Tex., to Helena, Ark., and Memphis, Tenn.

Grounds for relief: Market competition.

Tariff: Supplement 672 to Southwestern Freight Bureau tariff I.C.C. 4139.

FSA No. 36048: *Asphalt and related articles from the southwest to western trunk-line territory.* Filed by Southwestern Freight Bureau, Agent (No. B–7751), for interested rail carriers. Rates on asphalt, petroleum road oil, and petroleum wax tailings, in tank-car loads from points in southwestern territory to points in western trunk-line territory.

Grounds for relief: Truck competition.

Tariff: Supplement 123 to Southwestern Freight Bureau tariff I.C.C. 4279.

AGGREGATES-OF-INTERMEDIATES

FSA No. 36046: *Vegetable meal and related articles in the West.* Filed by western trunk-line committee, Agent (No. A–2112), for interested rail carriers. Rates on vegetable meal, whole pressed cottonseed, soybean hulls and related articles, in carloads from, to and between points in western trunk-line, southwestern, Illinois and Mississippi Valley territories.

Grounds for relief: Maintenance of through one-factor rates from origins beyond named origins not depressed by same competitive conditions as rates from named origins.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F.R. Doc. 60–1933; Filed, Mar. 2, 1960; 8:47 a.m.]

[Notice 272]

## MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 29, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 62774. By order of February 25, 1960, the Transfer Board approved the transfer to P. A. Adams Moving & Storage, Inc., Ossining, N.Y., of Certificate No. MC 88387, issued April 26, 1951, in the name of Preston A. Adams, doing business as P. A. Adams, Ossining, N.Y., authorizing the transportation of household goods, over irregular routes, between Ossining, N.Y., and points in New York within 20 miles of Ossining, on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Massachusetts, and New Hampshire.

No. MC–FC 62854. By order of February 26, 1960, the Transfer Board approved the transfer to William P. Haws, doing business as H & H Trucking Co., Yardville, N.J., of Certificate in No. MC 58998, issued July 14, 1958, to George E. Harkness and William P. Haws, a partnership, doing business as H & H Trucking Co., Yardville, N.J., authorizing the transportation of: Clay from Trenton, N.J., to Philadelphia, Pa., and points in the New York, N.Y., Commercial Zone; flour from Trenton, N.J., to Bristol, Newtown and Philadelphia, Pa.; and dry chemicals, such as those used in the manufacture of rubber, from Philadelphia, Pa., to Tacony, and Conshohocken, Pa., Wilmington, Del., and points in the New York, N.Y., Commercial Zone. Robert Watkins, attorney at law, 170 South Broad Street, Trenton 10, N.J., for applicants.

No. MC–FC 62866. By order of February 24, 1960, the Transfer Board approved the transfer to Donna Rae Schueman, doing business as Schueman Transfer, Oakland, Iowa, of a Certificate in No. MC 53112, issued August 12, 1952, to B. E. Cleaveland, Oakland, Iowa, authorizing the transportation of livestock and feeds, between Oakland, Iowa, and points within 25 miles of Oakland, on the one hand, and, on the other, Omaha, Nebr., and grain, hay, furniture, agricultural implements, and building materials, between Oakland, Iowa, and points within 15 miles of Oakland, on the one hand, and, on the other, Omaha, Nebr.

No. MC–FC 62919. By order of February 26, 1960, the Transfer Board approved the transfer to Everett J. Lee, Volin, South Dakota, of the operating rights, issued February 25, 1942, to Ludvig Olson, and acquired by Harvey L. Stone, Volin, South Dakota, pursuant to MC–FC 62083, authorizing the transportation, over irregular routes, of livestock, between points within 15 miles of Volin, S. Dak., including Volin, on the one hand, and, on the other, Sioux City, Iowa, and of feed, grain seeds, farm machinery and implements, farm machinery parts, and petroleum products in containers, from Sioux City, Iowa, to Volin, S. Dak., and points within 15 miles of Volin. Don A. Bierle, 308 Walnut, Yankton, S. Dak., for applicants.

No. MC–FC 62929. By order of February 24, 1960, the Transfer Board approved the transfer to Wayne Fletcher, doing business Fletcher Truck Line, Brunswick, Missouri, of a Certificate in No. MC 87283 issued June 9, 1941, to Dan A. Baxley, Brunswick, Missouri, authorizing the transportation of specific commodities from, to, and between, points in Kansas, Missouri, Illinois, Kansas, and Iowa.

No. MC–FC 62958. By order of February 24, 1960, the Transfer Board approved the transfer to John J. Morris, Jr., Arlington, Massachusetts, of a Certificate in No. MC 20977 issued July 22, 1943 to John J. Morris, Arlington, Massachusetts, authorizing the transportation of such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith equipment, materials, and supplies, used in the conduct of such business, between points within the territory bounded by a line beginning at Boston, Mass., and extending along the Atlantic Coast to Hampton Beach, N.H., thence west through Hampton to Manchester, N.H., thence in a southwesterly direction through New Boston and Peterboro to East Jaffrey, N.H., thence south through Winchendon, Mass., to East Templeton, Mass., thence in a southeasterly direction to East Princeton, Mass., thence south through Holden, Worcester, Auburn, North Oxford, and Oxford to Webster, Mass., thence east through Douglas to Mansfield, Mass., thence in a southeasterly direction through Taunton to New Bedford, Mass., and thence along the Atlantic Coast to Boston, including the points named, and points and places on Cape Cod; and between points in the above-specified territory, on the one hand, and, on the other, Springfield, Mass., Providence, R.I., and Portland, Maine. Mary E. Kelley, 18 Tremont Street, Boston 8, Mass., for applicants.

No. MC–FC 62974. By order of February 25, 1960, the Transfer Board approved the transfer to John Bartholomeo, doing business as Bart Trucking Company, Newark, N.J., of the operating rights in Certificate No. MC 85239, issued November 7, 1958, to Weimar Storage Co., Inc., Elizabeth, N.J., authorizing the transportation, over irregular routes, of general commodities, excluding household goods and commodities in bulk, between Elizabeth and Linden, N.J., on the one hand, and, on the other, New York, N.Y., petroleum products, alcohol, acetates, and lacquer solvents, in containers, from Elizabeth and Bayway, N.J., to New York, N.Y., and empty containers, for the commodities specified immediately above, from New York, N.Y., and points in Westchester County, N.Y., to Elizabeth and Bayway, N.J. William D. Traub, 10 East 40th Street, New York, N.Y., for transferee. Bert Collins and Morton E. Kiel, 140 Cedar Street, New York, N.Y., for transferor.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F.R. Doc. 60–1934; Filed, Mar. 2, 1960; 8:47 a.m.]

## CUMULATIVE CODIFICATION GUIDE—MARCH

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during March. Proposed rules, as opposed to final actions, are identified as such.